

SESSION LAWS OF MISSOURI

Passed during the

ONE HUNDRED FIRST GENERAL ASSEMBLY

First Regular Session, which convened at the City of Jefferson,
Wednesday, January 6, 2021, and adjourned Sunday, May 30, 2021, and
First Extraordinary Session, which convened at the City of Jefferson,
Wednesday, June 23, 2021, and adjourned Wednesday, June 30, 2021.

Veto Session held September 15, 2021.



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COMMITTEE ON
LEGISLATIVE RESEARCH**

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Revised Statutes of Missouri, 2016

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2021

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HOW TO USE THE SESSION LAWS

The first pages contain the *Table of Sections Affected by 2021 Legislation* from the First Regular Session of the 101st General Assembly, followed by the First Extraordinary Session (2021) of the 101st General Assembly.

The text of all 2021 House and Senate Bills and the Concurrent Resolutions from the First Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

After the text from the First Regular Session, the text of Senate Bill 1 from the First Extraordinary Session (2021) of the 101st General Assembly follows.

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

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

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AUTHORITY FOR PUBLISHING SESSION LAWS AND RESOLUTIONS

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

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

The Joint Committee on Legislative Research is pleased to state that the 2021 Session Laws of Missouri is printed with soy-based ink.

JOINT RESOLUTIONS AND INITIATIVE PETITIONS

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

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

The One Hundredth First General Assembly (First Regular Session (2021) passed one Joint Resolution. Resolutions are to be published as provided in Section 116.340, RSMo 2016, which reads:

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

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

The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2021 Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

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**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
1.320	Repealed	HB 85	37.717	Vetoed	HB 362
1.410	New	HB 85	37.1090	New	HB 271
1.420	New	HB 85	37.1091	New	HB 271
1.430	New	HB 85	37.1092	New	HB 271
1.440	New	HB 85	37.1093	New	HB 271
1.450	New	HB 85	37.1094	New	HB 271
1.460	New	HB 85	37.1095	New	HB 271
1.470	New	HB 85	37.1096	New	HB 271
1.480	New	HB 85	37.1097	New	HB 271
1.485	New	HB 85	37.1098	New	HB 271
9.052	New	SB 72	41.035	New	SB 120
9.169	New	SB 72	41.201	New	SB 6
9.225	New	SB 72	41.201	New	SB 120
9.227	New	SB 72	41.201	New	SB 258
9.291	New	SB 72	41.676	New	SB 258
9.297	New	SB 120	42.390	New	SB 120
9.301	New	SB 72	43.253	Vetoed	HB 661
9.306	New	SB 72	49.266	Amended	HB 271
9.309	New	SB 72	49.310	Amended	HB 271
9.323	New	SB 72	50.166	Amended	HB 271
9.339	New	SB 72	50.166	Vetoed	HB 685
10.240	New	SB 72	50.327	Amended	SB 53
21.795	Vetoed	HB 661	50.327	Amended	HB 271
27.010	Amended	SB 53	50.530	Amended	HB 271
27.010	Vetoed	HB 685	50.530	Vetoed	HB 685
29.420	Vetoed	HB 362	50.660	Amended	HB 271
32.310	Amended	SB 153	50.783	Amended	HB 271
36.020	Amended	SB 120	51.050	Vetoed	HB 685
36.221	New	SB 120	55.060	Vetoed	HB 685

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
56.380	Amended	SB 26	67.1481	Amended	SB 153
56.380	Amended	SB 53	67.1545	Amended	SB 153
56.455	Amended	SB 26	67.1847	New	HB 271
56.455	Amended	SB 53	67.2677	Amended	SB 153
57.280	Amended	SB 53	67.2680	New	SB 153
57.317	Amended	SB 53	67.2680	New	HB 271
58.030	Vetoed	HB 685	67.2689	Amended	SB 153
59.021	Amended	HB 271	67.2720	New	SB 153
59.021	Vetoed	HB 685	67.2800	Amended	HB 697
59.100	Amended	HB 271	67.2810	Amended	HB 697
59.100	Vetoed	HB 685	67.2815	Amended	HB 697
60.010	Vetoed	HB 685	67.2816	New	HB 697
64.207	New	HB 271	67.2817	New	HB 697
67.030	Amended	SB 26	67.2818	New	HB 697
67.265	Amended	HB 271	67.2819	New	HB 697
67.301	New	SB 26	67.2840	New	HB 697
67.309	New	SB 44	68.075	Amended	SB 5
67.309	New	HB 734	71.1000	New	HB 271
67.398	Amended	HB 271	77.230	Vetoed	HB 685
67.494	New	SB 26	79.080	Vetoed	HB 685
67.990	Amended	HB 271	82.390	Amended	HB 271
67.993	Amended	HB 271	84.400	Amended	SB 26
67.1153	Amended	HB 271	84.400	Amended	SB 53
67.1158	Amended	HB 271	84.400	Amended	HB 271
67.1401	Amended	SB 153	84.575	New	SB 53
67.1421	Amended	SB 153	91.025	Amended	SB 44
67.1451	Amended	SB 153	91.025	Amended	HB 271
67.1461	Amended	SB 153	91.025	Amended	HB 734
67.1471	Amended	SB 153	91.450	Amended	HB 271

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
99.020	Amended	SB 153	135.550	Amended	HB 430
99.320	Amended	SB 153	135.600	Amended	HB 430
99.805	Amended	SB 153	135.712	New	HB 349
99.810	Amended	SB 153	135.713	New	HB 349
99.820	Amended	SB 153	135.714	New	HB 349
99.821	New	SB 153	135.715	New	SB 86
99.843	Amended	SB 153	135.716	New	HB 349
99.847	Amended	SB 153	135.719	New	HB 349
99.848	Amended	SB 153	135.800	Amended	HB 429
99.918	Amended	SB 153	135.800	Amended	HB 430
99.1082	Amended	SB 153	135.950	Amended	SB 153
100.310	Amended	SB 153	137.115	Amended	SB 153
105.035	Vetoed	HB 685	137.115	Vetoed	SB 226
105.465	Vetoed	HB 685	137.123	New	HB 734
105.950	Amended	SB 26	137.280	Amended	HB 271
105.950	Amended	SB 53	139.100	Amended	HB 271
105.1204	New	SB 120	139.305	Vetoed	SB 226
115.127	Amended	HB 271	142.803	Amended	SB 262
115.646	Amended	SB 86	142.822	New	SB 262
115.646	Amended	HB 271	142.824	Amended	SB 262
135.096	Amended	HB 604	142.869	Amended	SB 262
135.325	Amended	HB 429	142.869	Vetoed	HB 661
135.325	Amended	HB 430	142.1000	New	SB 262
135.326	Amended	HB 429	142.1000	Vetoed	HB 661
135.326	Amended	HB 430	143.011	Amended	SB 153
135.327	Amended	HB 429	143.121	Amended	SB 120
135.327	Amended	HB 430	143.121	Amended	SB 153
135.335	Amended	HB 429	143.121	Vetoed	SB 226
135.335	Amended	HB 430	143.124	Amended	SB 120

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
143.171	Amended	SB 153	144.1015	Repealed	SB 153
143.177	New	SB 153	149.071	Amended	SB 26
143.1032	New	SB 258	149.071	Amended	SB 53
143.1170	New	HB 429	149.076	Amended	SB 26
144.011	Amended	SB 153	149.076	Amended	SB 53
144.011	Vetoed	SB 226	153.030	Amended	SB 44
144.014	Amended	SB 153	153.030	Amended	HB 734
144.020	Amended	SB 153	153.034	Amended	SB 44
144.049	Amended	SB 153	153.034	Amended	HB 734
144.054	Amended	SB 153	160.263	Amended	HB 432
144.080	Amended	SB 153	160.710	New	SB 120
144.080	Vetoed	SB 226	160.3005	New	HB 432
144.140	Amended	SB 153	161.625	New	HB 297
144.142	Vetoed	SB 226	162.066	Vetoed	HB 661
144.526	Amended	SB 153	162.291	Vetoed	HB 685
144.605	Amended	SB 153	162.441	Amended	HB 297
144.608	New	SB 153	162.686	New	HB 432
144.637	New	SB 153	166.400	Amended	HB 297
144.638	New	SB 153	166.410	Amended	HB 297
144.710	Repealed	SB 153	166.415	Amended	HB 297
144.752	New	SB 153	166.420	Amended	HB 297
144.757	Amended	SB 153	166.425	Amended	HB 297
144.759	Amended	SB 153	166.435	Amended	HB 297
144.813	Vetoed	SB 226	166.440	Amended	HB 297
144.1000	Repealed	SB 153	166.456	Amended	HB 297
144.1003	Repealed	SB 153	166.502	Amended	HB 297
144.1006	Repealed	SB 153	166.700	New	HB 349
144.1009	Repealed	SB 153	166.705	New	HB 349
144.1012	Repealed	SB 153	166.710	New	HB 349

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
166.715	New	HB 349	204.569	Amended	SB 44
166.720	New	HB 349	204.569	Amended	HB 271
170.029	Amended	HB 297	204.569	Amended	HB 734
172.020	Amended	HB 297	204.610	Vetoed	HB 685
173.035	Amended	HB 297	208.018	Amended	HB 432
173.280	New	HB 297	208.053	Amended	HB 432
173.1003	Amended	HB 297	208.226	New	HB 432
174.281	New	HB 297	208.227	Amended	HB 432
174.283	New	HB 297	208.285	Amended	HB 432
174.285	New	HB 297	208.1060	New	HB 432
174.450	Amended	HB 297	209.610	Amended	HB 297
174.453	Amended	HB 297	210.115	Amended	HB 432
178.935	New	HB 432	210.121	New	HB 432
190.050	Vetoed	HB 685	210.143	New	HB 557
190.307	Amended	SB 26	210.150	Amended	HB 429
191.116	New	HB 432	210.150	Amended	HB 432
191.677	Amended	SB 53	210.152	Vetoed	HB 362
191.975	Amended	HB 429	210.156	New	HB 429
191.975	Amended	HB 430	210.156	New	HB 432
191.1165	Amended	SB 53	210.201	Amended	HB 432
192.300	Amended	HB 271	210.251	Amended	HB 432
192.2520	Amended	SB 53	210.252	Amended	HB 432
192.2520	Amended	HB 432	210.493	New	HB 557
193.075	Amended	HB 429	210.950	Amended	HB 432
193.075	Amended	HB 432	210.1225	New	HB 432
195.450	New	SB 63	210.1250	New	HB 557
196.276	New	SB 176	210.1253	New	HB 557
197.135	Amended	SB 53	210.1256	New	HB 557
197.135	Amended	HB 432	210.1259	New	HB 557

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
210.1262	New	HB 557	217.250	Amended	SB 53
210.1263	New	HB 557	217.270	Amended	SB 26
210.1264	New	HB 557	217.270	Amended	SB 53
210.1265	New	HB 557	217.362	Amended	SB 26
210.1268	New	HB 557	217.362	Amended	SB 53
210.1271	New	HB 557	217.364	Amended	SB 26
210.1274	New	HB 557	217.364	Amended	SB 53
210.1280	New	HB 557	217.455	Amended	SB 26
210.1283	New	HB 557	217.455	Amended	SB 53
210.1286	New	HB 557	217.541	Amended	SB 26
211.012	New	SB 53	217.541	Amended	SB 53
211.072	New	SB 53	217.650	Amended	SB 26
211.181	Amended	SB 53	217.650	Amended	SB 53
211.211	Amended	SB 53	217.655	Amended	SB 26
211.211	Amended	HB 432	217.655	Amended	SB 53
211.261	Amended	SB 71	217.660	Repealed	SB 26
211.435	Amended	SB 53	217.660	Amended	SB 53
211.438	Repealed	SB 53	217.665	Amended	SB 26
211.439	Repealed	SB 53	217.690	Amended	SB 26
211.447	Amended	HB 429	217.690	Amended	SB 53
214.392	Amended	SB 26	217.692	Amended	SB 26
214.392	Amended	SB 53	217.692	Amended	SB 53
217.010	Amended	SB 26	217.695	Amended	SB 26
217.010	Amended	SB 53	217.695	Amended	SB 53
217.030	Amended	SB 26	217.710	Amended	SB 26
217.030	Amended	SB 53	217.710	Amended	SB 53
217.195	Amended	SB 53	217.735	Amended	SB 26
217.199	New	SB 53	217.735	Amended	SB 53
217.250	Amended	SB 26	217.777	Amended	SB 53

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
217.829	Amended	SB 26	227.779	New	SB 520
217.829	Amended	SB 53	227.780	New	SB 258
217.845	New	SB 53	227.781	New	SB 258
221.065	New	SB 53	227.782	New	SB 258
221.105	Amended	SB 53	227.783	New	SB 258
221.105	Amended	HB 271	227.784	New	SB 258
227.101	Vetoed	HB 661	227.785	New	SB 258
227.299	Amended	SB 258	227.787	New	SB 520
227.450	Amended	SB 258	227.788	New	SB 520
227.463	New	SB 258	227.789	New	SB 520
227.464	New	SB 258	227.793	New	SB 258
227.465	New	SB 258	227.803	Amended	SB 520
227.466	New	SB 258	227.806	New	SB 520
227.467	New	SB 258	247.060	Vetoed	HB 685
227.477	New	SB 258	249.140	Vetoed	HB 685
227.478	New	SB 258	253.387	New	HB 369
227.479	New	SB 520	261.099	New	HB 574
227.485	New	SB 520	261.450	New	HB 432
227.486	New	SB 258	262.900	Amended	SB 153
227.488	New	SB 258	270.170	Amended	HB 369
227.489	New	SB 258	270.180	Amended	HB 369
227.490	New	SB 258	270.260	Amended	HB 369
227.495	New	SB 258	270.270	Amended	HB 369
227.496	New	SB 258	270.400	Amended	HB 369
227.497	New	SB 258	281.015	Amended	SB 26
227.498	New	SB 258	281.015	Amended	HB 476
227.499	New	SB 520	281.020	Amended	SB 26
227.777	New	SB 258	281.020	Amended	HB 476
227.778	New	SB 520	281.025	Amended	SB 26

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
281.025	Amended	HB 476	281.085	Amended	SB 26
281.030	Amended	SB 26	281.085	Amended	HB 476
281.030	Amended	HB 476	281.101	Amended	SB 26
281.035	Amended	SB 26	281.101	Amended	HB 476
381.035	Amended	HB 476	285.625	New	HB 432
281.037	Amended	SB 26	285.630	New	HB 432
281.037	Amended	HB 476	285.635	New	HB 432
281.038	Amended	SB 26	285.650	New	HB 432
281.038	Amended	HB 476	285.665	New	HB 432
281.040	Amended	SB 26	285.670	New	HB 432
281.040	Amended	HB 476	287.170	Amended	SB 303
281.045	Amended	SB 26	287.170	Amended	HB 604
281.045	Amended	HB 476	287.180	Amended	SB 303
281.048	New	SB 26	287.180	Amended	HB 604
281.048	New	HB 476	287.220	Amended	SB 303
281.050	Amended	SB 26	287.245	Amended	SB 45
281.050	Amended	HB 476	287.280	Amended	SB 303
281.055	Amended	SB 26	287.480	Amended	SB 303
281.055	Amended	HB 476	287.715	Amended	SB 303
281.060	Amended	SB 26	287.715	Amended	HB 604
281.060	Amended	HB 476	300.010	Amended	SB 176
281.063	Amended	SB 26	300.010	Vetoed	HB 661
281.063	Amended	HB 476	301.010	Amended	SB 176
281.065	Amended	SB 26	301.010	Vetoed	HB 661
281.065	Amended	HB 476	301.020	Amended	SB 258
281.070	Amended	SB 26	301.033	Vetoed	HB 661
281.070	Amended	HB 476	301.062	Vetoed	HB 661
281.075	Amended	SB 26	301.131	Vetoed	HB 661
281.075	Amended	HB 476	301.147	Vetoed	HB 661

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
301.192	Amended	SB 262	304.050	Amended	SB 53
301.192	Vetoed	HB 661	304.050	Vetoed	HB 661
301.280	Amended	SB 262	304.153	Amended	SB 6
301.280	Vetoed	HB 661	304.153	Vetoed	HB 661
301.550	Amended	SB 49	304.180	Vetoed	HB 661
301.558	Amended	SB 176	304.240	Vetoed	HB 661
301.558	Vetoed	HB 661	304.900	New	SB 176
301.3179	New	SB 189	304.900	Vetoed	HB 661
302.010	Amended	SB 176	306.030	Amended	SB 49
302.010	Vetoed	HB 661	306.221	Amended	SB 49
302.171	Amended	SB 258	307.025	Amended	SB 176
302.188	Amended	SB 120	307.025	Vetoed	HB 661
302.755	Amended	SB 262	307.128	Amended	HB 661
302.755	Vetoed	HB 661	307.175	Amended	SB 26
303.020	Amended	SB 176	307.175	Amended	SB 53
303.020	Vetoed	HB 661	307.180	Amended	SB 176
303.025	Vetoed	HB 661	307.180	Vetoed	HB 661
303.041	Vetoed	HB 661	307.188	Amended	SB 176
303.220	Amended	SB 6	307.188	Vetoed	HB 661
303.220	Amended	HB 604	307.193	Amended	SB 176
303.420	Vetoed	HB 661	307.193	Vetoed	HB 661
303.422	Vetoed	HB 661	307.194	New	SB 176
303.425	Vetoed	HB 661	307.194	Vetoed	HB 661
303.430	Vetoed	HB 661	307.350	Vetoed	HB 661
303.440	Vetoed	HB 661	307.380	Amended	SB 49
304.001	Amended	SB 176	307.380	Vetoed	HB 661
304.001	Vetoed	HB 661	311.060	Amended	SB 26
304.022	Amended	SB 26	311.070	Amended	SB 126
304.022	Amended	SB 53	311.086	Amended	SB 126

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
311.089	Amended	SB 126	324.012	Amended	HB 476
311.096	Amended	SB 126	324.087	New	HB 273
311.174	Amended	SB 126	324.087	New	HB 476
311.176	Amended	SB 126	324.200	Amended	HB 273
311.178	Amended	SB 126	324.200	Amended	HB 476
311.179	Amended	SB 126	324.206	Amended	HB 273
311.190	Amended	SB 126	324.206	Amended	HB 476
311.200	Amended	SB 126	327.011	Amended	HB 273
311.202	New	SB 126	327.011	Amended	HB 476
311.218	Amended	SB 126	327.091	Amended	HB 273
311.293	Amended	SB 126	327.091	Amended	HB 476
311.480	Amended	SB 126	327.101	Amended	HB 273
311.482	Amended	SB 126	327.101	Amended	HB 476
311.620	Amended	SB 126	327.131	Amended	HB 273
311.660	Amended	SB 26	327.131	Amended	HB 476
311.710	Amended	SB 126	327.191	Amended	HB 273
313.220	Amended	SB 26	327.191	Amended	HB 476
313.303	New	HB 402	327.241	Amended	HB 273
313.800	Amended	SB 26	327.241	Amended	HB 476
313.805	Amended	SB 26	327.612	Amended	HB 273
313.812	Amended	SB 26	327.612	Amended	HB 476
316.250	Amended	HB 369	329.034	New	HB 273
319.131	Amended	SB 6	337.068	Amended	HB 273
319.131	Amended	HB 604	337.068	Amended	HB 476
320.400	New	SB 45	338.010	Amended	HB 273
321.130	Vetoed	HB 685	338.010	Amended	HB 476
324.009	Amended	HB 273	338.710	Amended	SB 63
324.009	Amended	HB 476	338.710	Amended	HB 476
324.012	Amended	HB 273	338.730	Amended	HB 273

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
338.730	Amended	HB 476	375.246	Amended	SB 6
339.100	Amended	HB 273	375.246	Amended	HB 604
339.100	Amended	HB 476	376.421	Amended	SB 6
339.150	Amended	HB 273	376.1109	Amended	HB 604
339.150	Amended	HB 476	376.1228	New	HB 432
353.020	Amended	SB 153	376.1551	New	HB 432
361.097	Amended	SB 106	376.1551	New	HB 604
361.110	Amended	SB 106	376.2034	Amended	HB 432
361.727	Amended	SB 106	376.2080	New	SB 6
362.023	Amended	SB 106	376.2080	New	HB 604
362.044	Amended	SB 106	379.120	Amended	SB 6
362.165	Amended	SB 106	379.120	Amended	HB 604
362.247	Amended	SB 106	379.122	Amended	SB 120
362.250	Amended	SB 106	379.140	Amended	HB 604
362.340	Amended	SB 106	379.145	Repealed	HB 604
362.550	Amended	SB 106	379.150	Amended	HB 604
362.570	Amended	SB 106	379.160	Amended	HB 604
362.765	New	SB 106	379.1800	New	SB 6
365.020	Amended	SB 176	379.1800	New	HB 604
365.020	Vetoed	HB 661	379.1803	New	SB 6
365.100	Amended	SB 106	379.1803	New	HB 604
365.140	Amended	SB 106	379.1806	New	SB 6
367.150	Repealed	SB 106	379.1806	New	HB 604
369.049	Amended	SB 106	379.1809	New	SB 6
369.705	New	SB 106	379.1809	New	HB 604
375.018	Amended	SB 6	379.1812	New	SB 6
375.029	New	SB 6	379.1812	New	HB 604
375.029	New	HB 273	379.1815	New	SB 6
375.029	New	HB 604	379.1815	New	HB 604

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
379.1818	New	SB 6	393.1073	Repealed	HB 734
379.1818	New	HB 604	393.1500	New	SB 44
379.1821	New	SB 6	393.1503	New	SB 44
379.1821	New	HB 604	393.1506	New	SB 44
379.1824	New	SB 6	393.1509	New	SB 44
379.1824	New	HB 604	393.1620	New	HB 734
382.010	Amended	SB 6	393.1700	New	HB 734
382.110	Amended	SB 6	393.1705	New	HB 734
382.176	New	SB 6	393.1715	New	HB 734
382.177	New	SB 6	394.020	Amended	SB 44
382.230	Amended	SB 6	394.020	Amended	HB 271
384.043	Amended	SB 6	394.020	Amended	HB 734
385.220	Amended	SB 6	394.120	Amended	SB 44
385.220	Vetoed	HB 661	394.120	Amended	HB 734
385.320	Amended	SB 6	394.315	Amended	SB 44
385.320	Vetoed	HB 661	394.315	Amended	HB 271
385.450	New	SB 6	394.315	Amended	HB 734
385.450	Vetoed	HB 661	400.3-309	Amended	SB 106
386.370	Amended	SB 44	400.9-109	Amended	HB 734
386.370	Amended	HB 734	407.005	New	SB 176
386.800	Amended	SB 44	407.005	Vetoed	HB 661
376.800	Amended	HB 271	407.292	Amended	HB 69
376.800	Amended	HB 734	407.297	New	HB 69
386.895	New	HB 734	407.297	New	HB 271
393.106	Amended	SB 44	407.300	Amended	HB 69
393.106	Amended	HB 271	407.300	Amended	HB 271
393.106	Amended	HB 734	407.300	Vetoed	HB 661
393.355	Amended	HB 734	407.526	Amended	SB 262
393.358	Amended	SB 44	407.526	Vetoed	HB 661

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
407.536	Amended	SB 262	436.257	Repealed	HB 273
407.536	Vetoed	HB 661	436.260	Amended	HB 273
407.556	Amended	SB 262	436.263	Amended	HB 273
407.556	Vetoed	HB 661	436.266	Amended	HB 273
407.560	Amended	SB 176	436.700	New	HB 604
407.560	Vetoed	HB 661	451.040	Amended	HB 271
407.815	Amended	SB 176	451.040	Vetoed	HB 685
407.815	Vetoed	HB 661	452.375	Amended	HB 429
407.1025	Amended	SB 176	452.410	Amended	SB 53
407.1025	Vetoed	HB 661	452.410	Amended	SB 71
408.035	Amended	SB 106	452.410	Amended	HB 432
408.100	Amended	SB 106	453.014	Amended	HB 429
408.140	Amended	SB 106	453.030	Amended	HB 429
408.178	Amended	SB 106	453.040	Amended	HB 429
408.233	Amended	SB 106	453.070	Amended	HB 429
408.234	Amended	SB 106	455.010	Amended	SB 53
408.250	Amended	SB 106	455.010	Amended	SB 71
408.553	Amended	SB 106	455.032	Amended	SB 53
408.554	Amended	SB 106	455.032	Amended	SB 71
435.415	Amended	HB 345	455.040	Amended	SB 53
436.218	Amended	HB 273	455.040	Amended	SB 71
436.224	Amended	HB 273	455.045	Amended	SB 53
436.227	Amended	HB 273	455.045	Amended	SB 71
436.230	Amended	HB 273	455.050	Amended	SB 53
436.236	Amended	HB 273	455.050	Amended	SB 71
436.242	Amended	HB 273	455.513	Amended	SB 53
436.245	Amended	HB 273	455.013	Amended	SB 71
436.248	Amended	HB 273	455.520	Amended	SB 53
436.254	Amended	HB 273	455.520	Amended	SB 71

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
455.523	Amended	SB 53	546.265	New	SB 53
455.523	Amended	SB 71	547.031	New	SB 53
475.120	Amended	SB 53	549.500	Amended	SB 26
476.083	Amended	HB 271	549.500	Amended	SB 53
479.162	New	SB 53	557.045	Amended	SB 26
479.162	Vetoed	HB 362	557.051	Amended	SB 26
483.010	Vetoed	HB 685	557.051	Amended	SB 53
485.060	Amended	HB 271	558.011	Amended	SB 26
488.016	New	SB 53	558.011	Amended	SB 53
488.029	Amended	SB 53	558.026	Amended	SB 26
488.2235	Amended	HB 271	558.026	Amended	SB 53
491.016	New	SB 53	558.031	Amended	SB 26
507.184	Amended	HB 604	558.031	Amended	SB 53
537.065	Amended	HB 345	558.046	Amended	SB 26
537.328	New	HB 369	558.046	Amended	SB 53
537.346	Amended	HB 369	559.026	Amended	SB 26
537.347	Amended	HB 369	559.026	Amended	SB 53
537.348	Amended	HB 369	559.105	Amended	SB 26
537.354	New	HB 369	559.105	Amended	SB 53
537.620	Amended	SB 45	559.106	Amended	SB 26
537.1000	New	SB 51	559.106	Amended	SB 53
537.1005	New	SB 51	559.115	Amended	SB 26
537.1010	New	SB 51	559.115	Amended	SB 53
537.1015	New	SB 51	559.120	Amended	SB 53
537.1020	New	SB 51	559.125	Amended	SB 26
537.1035	New	SB 51	559.125	Amended	SB 53
542.525	New	SB 26	559.600	Amended	SB 26
542.525	New	HB 369	559.600	Amended	SB 53
545.940	Amended	SB 53	559.602	Amended	SB 26

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
559.602	Amended	SB 53	589.042	Amended	SB 53
559.607	Amended	SB 26	590.030	Amended	SB 26
559.607	Amended	SB 53	590.030	Amended	SB 53
565.058	New	SB 26	590.070	Amended	SB 53
565.058	New	SB 53	590.075	New	SB 53
565.240	Amended	SB 53	590.192	New	SB 26
566.145	Amended	SB 26	590.192	New	SB 53
566.145	Amended	SB 53	590.192	New	SB 57
566.150	Amended	HB 432	590.502	New	SB 26
570.030	Amended	HB 69	590.805	New	SB 53
570.030	Amended	HB 271	590.1265	New	SB 26
570.030	Vetoed	HB 661	590.1265	New	SB 53
571.030	Amended	SB 26	610.021	Vetoed	HB 362
571.030	Amended	SB 53	610.026	Vetoed	HB 362
574.085	Amended	SB 26	610.120	Amended	SB 53
574.110	New	SB 53	610.122	Amended	SB 53
574.203	Amended	SB 26	610.140	Amended	SB 26
574.203	Amended	SB 53	610.140	Amended	SB 53
574.204	New	SB 26	620.2005	Amended	SB 2
575.155	Amended	SB 53	620.2005	Amended	SB 120
575.157	Amended	SB 53	620.2005	Amended	SB 153
575.180	Amended	SB 53	620.2010	Amended	SB 2
575.205	Amended	SB 26	620.2010	Amended	SB 120
575.205	Amended	SB 53	620.3210	New	SB 36
575.206	Amended	SB 26	633.200	Amended	HB 432
575.206	Amended	SB 53	643.310	Vetoed	HB 661
578.120	Amended	SB 176	643.315	Vetoed	HB 661
578.120	Vetoed	HB 661	650.005	Amended	SB 120
589.042	Amended	SB 26	650.055	Amended	SB 26

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
650.055	Amended	SB 53	Section B	New	SB 53
650.058	Amended	SB 26	Section B	New	SB 120
650.058	Amended	SB 53	Section B	New	SB 153
650.125	New	SB 49	Section B	New	SB 176
650.335	Amended	SB 26	Section B	Vetoed	SB 226
650.550	New	SB 57	Section B	New	HB 85
Section 1	New	SB 153	Section B	New	HB 271
Section 1	New	SB 258	Section B	New	HB 432
Section 1	New	SB 520	Section B	New	HB 476
Section 1	New	HB 271	Section B	New	HB 557
Section 1	Vetoed	HB 661	Section B	Vetoed	HB 661
Section 2	New	SB 520	Section C	New	SB 53
Section 3	New	SB 520	Section C	New	SB 120
Section B	New	SB 2	Section C	New	SB 153
Section B	New	SB 26	Section D	New	SB 153

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

**TABLE OF SECTIONS AFFECTED BY 2021 LEGISLATION,
101ST GENERAL ASSEMBLY, FIRST EXTRAORDINARY SESSION**

SECTION	ACTION	BILL
190.839	Amended	SB 1
198.439	Amended	SB 1
208.152	Amended	SB 1
208.437	Amended	SB 1
208.480	Amended	SB 1
338.550	Amended	SB 1
633.401	Amended	SB 1
Section B	Amended	SB 1

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HCS HB 1

Appropriates money to the Board of Fund Commissioners

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021 and ending June 30, 2022 as follows:

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

SECTION 1.010. — To the Board of Fund Commissioners
Funds are to be transferred out of the State Treasury to the Fourth State Building Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101) \$1,060,875

SECTION 1.015. — To the Board of Fund Commissioners
For payment of interest and sinking fund requirements on fourth state building bonds currently outstanding as provided by law
From Fourth State Building Bond and Interest Fund (Various) \$4,157,025

SECTION 1.020. — To the Board of Fund Commissioners
Funds are to be transferred out of the State Treasury to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101) \$8,449,075
From Water and Wastewater Loan Revolving Fund (0602)..... 1,103,925
Total..... \$9,553,000

SECTION 1.025. — To the Board of Fund Commissioners
For payment of issuance costs, interest, and sinking fund requirements on water pollution control bonds currently outstanding as provided by law
From Water Pollution Control Bond and Interest Fund (Various) \$11,588,816

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

SECTION 1.030. — To the Board of Fund Commissioners

Funds are to be transferred out of the State Treasury to the Stormwater Control Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101)\$1,778,375

SECTION 1.035. — To the Board of Fund Commissioners

For payment of issuance costs, interest, and sinking fund requirements on stormwater control bonds currently outstanding as provided by law
From Stormwater Control Bond and Interest Fund (Various)\$1,778,000

Bill Totals

General Revenue Fund.....\$11,303,325
Other Funds..... 1,103,925
Total.....\$12,407,250

Approved June 30, 2021

CCS SS SCS HCS HB 2

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021 and ending June 30, 2022, as follows:

PART 1

SECTION 2.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement

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of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act consists of guidance for implementing the appropriations found in Part 1 and Part 2 of this act and contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

SECTION 2.005. — To the Department of Elementary and Secondary Education For the Division of Financial and Administrative Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400

Personal Service.....	\$1,905,488
Expense and Equipment.....	<u>119,518</u>
From General Revenue Fund (0101)	2,025,006
Personal Service.....	2,033,403
Expense and Equipment.....	<u>694,290</u>
From Elementary and Secondary Education - Federal Fund (0105).....	<u>2,727,693</u>
Total (Not to exceed 76.00 F.T.E.)	<u>\$4,752,699</u>

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

For the purpose of funding performance incentives for high-achieving department employees

Personal Service	
From General Revenue Fund (0101)	\$84,846
From Federal and Other Funds (Various).....	<u>105,458</u>
Total.....	\$190,304

*I hereby veto \$190,304, including \$84,846 general revenue for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.
From \$84,846 to \$0 from general revenue.
From \$105,458 to \$0 from federal and other funds.
From \$190,304 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

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

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

For refunds

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

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

For distributions to the free public schools of \$3,725,754,535 under the School Foundation Program as provided in Chapter 163, RSMo, provided that no funds are used to support the distribution or sharing of any individually identifiable student data for non-educational purposes, marketing or advertising, as follows:

For the Foundation Formula, provided that the State Adequacy Target pursuant to Section 163.011 RSMo shall not exceed \$6,375.....	\$3,561,737,794
For Transportation.....	113,947,713
For Vocational Education, provided that no funds are used for advertising	50,069,028
From General Revenue Fund (0101)	2,182,200,999
From Budget Stabilization Fund (0522).....	17,500,000
From Outstanding Schools Trust Fund (0287).....	836,820,491
From State School Moneys Fund (0616).....	198,222,534
From Lottery Proceeds Fund (0291).....	140,755,579
From Classroom Trust Fund (0784)	350,254,932

For the Small Schools Program

From General Revenue Fund (0101)	15,000,000
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For State Board of Education operated school programs, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400

Personal Service.....	27,771,382
Expense and Equipment.....	<u>18,157,546</u>
From General Revenue Fund (0101)	45,928,928

Personal Service.....	766,606
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Expense and Equipment.....	<u>7,007,231</u>
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From Elementary and Secondary Education - Federal Fund (0105).....	7,773,837
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Expense and Equipment

From Bingo Proceeds for Education Fund (0289).....	<u>1,876,355</u>
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Total (Not to exceed 667.92 F.T.E.)	\$3,796,333,655
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SECTION 2.020.— To the Department of Elementary and Secondary Education

For distributions to the free public schools under the Coronavirus Aid, Relief, and Economic Security Act, provided that local educational agencies that adopt, in response to COVID-19, a distanced or blended onsite and distanced pattern of instruction constituting less than forty-five percent (45%) of

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annual attendance hours taking place in person, shall have their designated total allocation under this section reduced by ten percent (10%)
 From Department of Elementary and Secondary Education Federal Emergency Relief Fund (2305)..... \$105,000,000

For distributions to the free public schools under the Coronavirus Response and Relief Supplemental Appropriations Act, provided that local educational agencies that adopt, in response to COVID-19, a distanced or blended onsite and distanced pattern of instruction constituting less than forty-five percent (45%) of annual attendance hours taking place in person, shall have their designated total allocation under this section reduced by ten percent (10%)
 From Department of Elementary and Secondary Education Federal Emergency Relief Fund (2305)..... 522,703,375
 Total.....\$627,703,375

SECTION 2.025. — To the Department of Elementary and Secondary Education For distributions of the Governor's Emergency Education Relief Funds to the free public schools under the Coronavirus Aid, Relief, and Economic Security Act

From Department of Elementary and Secondary Education Federal Emergency Relief Fund (2305)..... \$20,000,000

For distributions of the Governor's Emergency Education Relief Funds to the free public schools under the Coronavirus Response and Relief Supplemental Appropriations Act, provided that fifty percent (50%) of funds awarded to local educational agencies under this section are utilized to provide financial assistance or microgrants directly to the parents or legal guardians of students
 From Department of Elementary and Secondary Education Federal Emergency Relief Fund (2305)..... 7,284,647

For distributions of the Governor's Emergency Education Relief Funds for Emergency Assistance to Non-Public Schools under the Coronavirus Response and Relief Supplemental Appropriations Act, provided that any unobligated non-public schools funds may be used for distributions under Section 312(d) of the Coronavirus Response and Relief Supplemental Appropriations Act
 From Department of Elementary and Secondary Education Federal Emergency Relief Fund (2305)..... 33,775,112
 Total.....\$61,059,759

SECTION 2.030. — To the Department of Elementary and Secondary Education For the School Nutrition Services Program to reimburse schools for school food programs

From General Revenue Fund (0101) \$3,412,151
 From Elementary and Secondary Education - Federal Fund (0105)..... 318,031,026
 Total.....\$321,443,177

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SECTION 2.040. — To the Department of Elementary and Secondary Education For a program to recruit, train, and/or develop teachers to teach in academically struggling school districts From General Revenue Fund (0101)	\$1,700,000
SECTION 2.045. — To the Department of Elementary and Secondary Education For planning, design, procurement, and implementation of a K-3 reading assessment system for preliminary identification of students at risk for dyslexia and related disorders including analysis of phonological and phonemic awareness, rapid automatic naming, alphabetic principle, phonics, reading fluency, spelling, reading accuracy, vocabulary, and reading comprehension From General Revenue Fund (0101)	\$400,000
SECTION 2.050. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the STEM Career Awareness Program Fund From General Revenue Fund (0101)	\$250,000
SECTION 2.055. — To the Department of Elementary and Secondary Education For the STEM Career Awareness Program From STEM Career Awareness Program Fund (0997).....	\$250,000
SECTION 2.060. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Computer Science Education Fund From General Revenue Fund (0101)	\$450,000
SECTION 2.065. — To the Department of Elementary and Secondary Education For Computer Science Education From Computer Science Education Fund (0423)	\$450,000
SECTION 2.070. — To the Department of Elementary and Secondary Education For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School District Trust Fund From School District Trust Fund (0688)	\$958,400,000
SECTION 2.071. — To the Department of Elementary and Secondary Education For the Missouri Scholars and Fine Arts Academies From General Revenue Fund (0101)	\$500,000
SECTION 2.075. — To the Department of Elementary and Secondary Education For grants to establish safe schools programs addressing active shooter response training and school safety measures, provided that grants are to be distributed by a statewide education organization whose directors consist entirely of	

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public school board members, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400
 From General Revenue Fund (0101) \$300,000

SECTION 2.076. — To the Department of Elementary and Secondary Education
 For a statewide association organized for the purpose of supporting rural schools and their boards of education to provide school board member training
 From General Revenue Fund (0101) \$25,000

SECTION 2.080. — To the Department of Elementary and Secondary Education
 For a statewide, competitively-bid school safety program
 From Elementary and Secondary Education - Federal Fund (0105)..... \$2,000,000

SECTION 2.082. — To the Department of Elementary and Secondary Education
 For an organization focused on improving public education principally located in a city not within a county that provides matching private funds to improve public school systems by investing in strategic planning, data analysis, teacher and leadership development, and school and district redesign
 From General Revenue Fund (0101) \$2,000,000

SECTION 2.085. — To the Department of Elementary and Secondary Education
 For the Virtual Schools Program
 From General Revenue Fund (0101) \$200,000
 From Lottery Proceeds Fund (0291)..... 389,778

For a statewide, competitively-bid virtual education program developed by a public K-12 institution
 From General Revenue Fund (0101) 500,000
 Total..... \$1,089,778

SECTION 2.090. — To the Department of Elementary and Secondary Education
 For costs associated with school district bonds
 From School District Bond Fund (0248)..... \$492,000

SECTION 2.091. — To the Department of Elementary and Secondary Education
 For a school district in any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants for equipment purchases and upgrades in a technical school in any home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants
 From General Revenue Fund (0101) \$1,100,000

***SECTION 2.092.** — To the Department of Elementary and Secondary Education
 For deferred maintenance grants for charter school facilities, provided that the charter school has been operating, with students enrolled, for at least ten years, further provided the charter school maintains twenty percent (20%) reserves, further provided that the charter school not be a part of a for-profit

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

charter management organization's network, and further provided the charter school owns or is purchasing the building or is occupying a building owned by the local school district
 From General Revenue Fund (0101).....\$5,000,000

*I hereby veto \$5,000,000 general revenue for deferred maintenance grants for charter school facilities. These funds were not included in my budget recommendations. This funding is limited to charter schools, unfairly limiting access to K-12 schools. Deferred maintenance is the responsibility of the charter sponsor, not the State. Additionally, deferred maintenance for state facilities and at public institutions of higher education exceeds \$2.8 billion and there is no program to address these needs.

Said section is vetoed in its entirety from \$5,000,000 to \$0 from General Revenue Fund.
 From \$5,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 2.095. — To the Department of Elementary and Secondary Education For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds and further provided that no funds shall be used to implement or support the Common Core Standards

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

Expense and Equipment
 From Elementary and Secondary Education - Federal Fund (0105).....1,000,000
 Total.....\$1,050,000

SECTION 2.100. — To the Department of Elementary and Secondary Education For the Commissioner of Education to provide funds to public schools, eligible for Federal E-rate reimbursement, to be used as a state match of up to ten percent (10%) of E-rate eligible special construction costs under the Federal E-rate program pursuant to 47 CFR 54.505, and to provide additional funds to eligible public schools in the amount necessary to bring the total support from Federal universal service combined with state funds under this section to one hundred percent (100%) of E-rate eligible special construction costs, provided that no funds are used to construct broadband facilities to schools and libraries where such facilities already exist providing at least 100mbps symmetrical service; and further provided that to the extent such funds are used to construct broadband facilities, the construction, ownership and maintenance of such facilities shall be procured through a competitive bidding process; and further provided that funds shall only be expended for

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telecommunications, telecommunications services, and internet access and no funds shall be expended for internal connections, managed internal broadband services, or basic maintenance of internal connections
 From School Broadband Fund (0208)..... \$300,000

SECTION 2.105. — To the Department of Elementary and Secondary Education For the Division of Learning Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400, and further provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.140, the Vocational Rehabilitation funds in Section 2.190, and the Disability Determination funds in Section 2.195

Personal Service..... \$3,419,081
 Expense and Equipment..... 252,752
 From General Revenue Fund (0101)..... 3,671,833

Personal Service..... 6,162,936
 Expense and Equipment..... 3,648,396
 From Elementary and Secondary Education - Federal Fund (0105)..... 9,811,332

Personal Service..... 708,779
 Expense and Equipment..... 2,315,163
 From Excellence in Education Fund (0651)..... 3,023,942

For the Office of Adult Learning and Rehabilitative Services
 Personal Service..... 32,465,613
 Expense and Equipment..... 3,620,096
 From Vocational Rehabilitation Fund (0104)..... 36,085,709
 Total (Not to exceed 861.86 F.T.E.)..... \$52,592,816

SECTION 2.110. — To the Department of Elementary and Secondary Education For funding an early literacy program targeting third grade reading success in academically struggling school districts which provides a full continuum of school-based, early literacy intervention services, for all grades Pre-K through third grade, consisting of developmentally appropriate components for each grade delivered each day school is in session by professionally coached, full-time interventionists who collect data regularly and use an intervention model that is comprehensive, has been proven to be effective in one or more empirical studies, and is provided by a not-for-profit organization to a Local Education Agency or community-based early childhood center

From General Revenue Fund (0101)..... \$455,000

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

SECTION 2.115.— To the Department of Elementary and Secondary Education For the Performance Based Assessment Program, provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.140, the Vocational Rehabilitation funds in Section 2.190, and the Disability Determination funds in Section 2.195, and further provided that no funds from this section shall be used for license fees or membership dues for the Smarter Balanced Assessment Consortium

From General Revenue Fund (0101)	\$8,972,212
From Elementary and Secondary Education - Federal Fund (0105)	7,800,000
From Lottery Proceeds Fund (0291)	<u>4,311,255</u>
Total	\$21,083,467

SECTION 2.116.— To the Department of Elementary and Secondary Education For the design, renovation, construction, and improvements of career (vocational) technical schools; provided that costs are shared at ratio of fifty percent state and fifty percent local

From General Revenue Fund (0101)	\$2,000,000
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SECTION 2.120.— To the Department of Elementary and Secondary Education For distributions to providers of vocational education programs

From Elementary and Secondary Education - Federal Fund (0105)	\$23,000,000
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***SECTION 2.122.**— To the Department of Elementary and Secondary Education

For the purpose of funding a workforce diploma program for adults without a high school diploma as designated by the Department of Elementary and Secondary Education

From General Revenue Fund (0101)	\$2,000,000
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*I hereby veto \$2,000,000 general revenue for the purpose of funding a workforce diploma program for adults without a high school diploma. These funds were not included in my budget recommendations and a veto of these additional funds is necessary as the legislation to establish the program was not approved by the General Assembly.

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

From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.125.— To the Department of Elementary and Secondary Education For dyslexia programs, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400

From General Revenue Fund (0101)	\$600,000
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SECTION 2.130. — To the Department of Elementary and Secondary Education For the Missouri Healthy Schools, Successful Students Program From Elementary and Secondary Education - Federal Fund (0105).....	\$283,148
SECTION 2.135. — To the Department of Elementary and Secondary Education For the Comprehensive Literacy Development Program From Elementary and Secondary Education - Federal Fund (0105).....	\$4,299,130
SECTION 2.136. — To the Department of Elementary and Secondary Education For a public school district located within a city not within a county, beginning with the 2021-2022 school year, a new district-wide innovative “Literacy Course” reading tiered systematic intervention program using reading teachers and academic instructional coaches who will model literacy lessons for classroom teachers and provide support for individual students with reading deficiencies, and determine reading tiers and track student progress; provided that each student has an Individualized Reading Plan to monitor their progress over time as they enter each grade From General Revenue Fund (0101).....	\$2,500,000
SECTION 2.140. — To the Department of Elementary and Secondary Education For improving the academic achievement of the disadvantaged programs operated by local education agencies under Title I of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015, provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 2.255 From Elementary and Secondary Education - Federal Fund (0105).....	\$228,588,775
SECTION 2.145. — To the Department of Elementary and Secondary Education For the homeless children and youth program under Title IX, Part A of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 From Elementary and Secondary Education - Federal Fund (0105).....	\$1,500,000
SECTION 2.150. — To the Department of Elementary and Secondary Education For programs for the gifted from interest earnings accruing in the Stephen Morgan Ferman Memorial for Education of the Gifted From State School Moneys Fund (0616).....	\$9,027
SECTION 2.155. — To the Department of Elementary and Secondary Education For the Supporting Effective Instruction Grants Program pursuant to Title II of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 From Elementary and Secondary Education - Federal Fund (0105).....	\$44,000,000

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

SECTION 2.160. — To the Department of Elementary and Secondary Education
For the Rural Education Initiative grants pursuant to Title V, Part B of the
Elementary and Secondary Education Act of 1965 as amended by the Every
Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105).....\$3,500,000

SECTION 2.165. — To the Department of Elementary and Secondary Education
For language acquisition pursuant to Title III of the Elementary and Secondary
Education Act of 1965 as amended by the Every Student Succeeds Act of
2015
From Elementary and Secondary Education - Federal Fund (0105).....\$5,800,000

SECTION 2.170. — To the Department of Elementary and Secondary Education
For Student Support and Enrichment grants pursuant to Title IV, Part A of the
Elementary and Secondary Education Act of 1965 as amended by the Every
Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105).....\$21,000,000

SECTION 2.175. — To the Department of Elementary and Secondary Education
For the Refugee Children School Impact Grants Program
From Elementary and Secondary Education - Federal Fund (0105).....\$300,000

SECTION 2.176. — To the Department of Elementary and Secondary Education
For character education initiatives
From General Revenue Fund (0101).....\$160,000

***SECTION 2.177.** — To the Department of Elementary and Secondary
Education
Funds are to be transferred out of the State Treasury to the School
Turnaround Fund
From General Revenue Fund (0101).....\$3,250,000

*I hereby veto \$2,275,000 general revenue for transfer to the School Turnaround Fund.
Performance measures and program outcomes for three schools should be reviewed to determine
program effectiveness prior to expanding to additional schools.

By \$2,275,000 from \$3,250,000 to \$975,000 from General Revenue Fund.
From \$3,250,000 to \$975,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 2.178.** — To the Department of Elementary and Secondary
Education
For the School Turnaround Program
From School Turnaround Fund (0439).....\$3,250,000

*I hereby veto \$2,275,000 School Turnaround Fund for the School Turnaround Program. Performance measures and program outcomes for three schools should be reviewed to determine program effectiveness prior to expanding to additional schools.

For the School Turnaround Program
By \$2,275,000 from \$3,250,000 to \$975,000 from School Turnaround Fund.
From \$3,250,000 to \$975,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 2.179.** — To the Department of Elementary and Secondary Education

For a program to recruit and place full-time dedicated postsecondary advisors in up to forty rural high schools across Missouri. Advisors should be hired directly by rural school districts in line with Department guidelines, to work alongside school counselors to ensure every student graduates with a postsecondary plan, and to increase the number of those students that enroll in a postsecondary option. The Department is required to work alongside a non-profit expert in rural postsecondary access (not to be compensated) to define success targets for the advisors and the participating schools; to provide training, measurement frameworks and best practices to the advisors and schools on an ongoing basis; and to support the Department's competitive process for selecting rural high schools. Districts will be expected to meet agreed-upon success targets, and report progress against these regularly to the Department

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

*I hereby veto \$3,000,000 general revenue for a program to recruit and place full-time dedicated postsecondary advisors in up to forty rural high schools across Missouri. This is not an appropriate use of state funding and should be funded locally. The budget fully funds the foundation formula and it is at each school district's discretion to allocate their resources as needed.

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

MICHAEL L. PARSON
GOVERNOR

SECTION 2.185. — To the Department of Elementary and Secondary Education
For the Teacher of the Year Program

From Elementary and Secondary Education - Federal Fund (0105) \$40,000

SECTION 2.186. — To the Department of Elementary and Secondary Education
For a program dedicated to educational enrichment, tutoring, and support in the areas of science, technology, engineering, and math serving underserved and low-income students in a home rule city with more than four hundred thousand inhabitants and located in more than one county

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

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

SECTION 2.190. — To the Department of Elementary and Secondary Education	
For the Vocational Rehabilitation Program	
From General Revenue Fund (0101)	\$14,616,241
From Vocational Rehabilitation Fund (0104)	51,877,223
From Lottery Proceeds Fund (0291)	1,400,000
For Payments by the Department of Mental Health	
From Vocational Rehabilitation Fund (0104)	<u>1,000,000</u>
Total	\$68,893,464
SECTION 2.195. — To the Department of Elementary and Secondary Education	
For the Disability Determination Program	
From Vocational Rehabilitation Fund (0104)	\$24,162,577
SECTION 2.200. — To the Department of Elementary and Secondary Education	
For Independent Living Centers, provided that not more than three percent (3%)	
flexibility is allowed from this section to Section 2.400	
From General Revenue Fund (0101)	\$1,860,000
From Vocational Rehabilitation Fund (0104)	1,402,546
From Independent Living Center Fund (0284)	390,556
For an equal increase on a percentage basis for Independent Living Centers that	
receive additional funding directly from the federal government	
From General Revenue Fund (0101)	160,555
For equalization of state funding to Independent Living Centers that do not	
receive additional funding directly from the federal government	
From General Revenue Fund (0101)	<u>1,639,446</u>
Total	\$5,453,103
SECTION 2.205. — To the Department of Elementary and Secondary Education	
For distributions to educational institutions for the Adult Basic Education	
Program, provided that not more than three percent (3%) flexibility is	
allowed from this section to Section 2.400	
From General Revenue Fund (0101)	\$5,014,868
From Elementary and Secondary Education - Federal Fund (0105)	<u>9,999,155</u>
Total	\$15,014,023
SECTION 2.210. — To the Department of Elementary and Secondary Education	
For the Troops to Teachers Program	
From Elementary and Secondary Education - Federal Fund (0105)	\$95,000
SECTION 2.215. — To the Department of Elementary and Secondary Education	
For the Special Education Program, provided that not more than twenty-five	
percent (25%) flexibility is allowed from this section to Section 2.230	
From Elementary and Secondary Education - Federal Fund (0105)	\$217,873,391

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

SECTION 2.220. — To the Department of Elementary and Secondary Education
 For special education excess costs
 From General Revenue Fund (0101)\$39,946,351
 From Lottery Proceeds Fund (0291)..... 19,590,000
 Total.....\$59,536,351

SECTION 2.223. — To the Department of Elementary and Secondary Education
 For the Office of Childhood
 Personal Service.....\$1,875,676
 Expense and Equipment..... 54,860
 From General Revenue Fund (0101) 1,930,536

 Personal Service..... 1,437,826
 Expense and Equipment..... 155,609
 From Elementary and Secondary Education - Federal Fund (0105)..... 1,593,435

 Personal Service..... 3,105,547
 Expense and Equipment..... 441,435
 From Child Care and Development Block Grant Federal Fund (0168)..... 3,546,982
 Total (Not to exceed 147.15 F.T.E.)\$7,070,953

SECTION 2.225. — To the Department of Elementary and Secondary Education
 For the Office of Childhood
 For the Early Childhood Special Education Program
 From General Revenue Fund (0101)\$176,956,087
 From Lottery Proceeds Fund (0291)..... 16,548,507
 From Early Childhood Development, Education and Care Fund (0859) 21,464,533
 Total.....\$214,969,127

SECTION 2.230. — To the Department of Elementary and Secondary Education
 For the Office of Childhood
 For the Special Education Program, provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 2.215
 From Elementary and Secondary Education - Federal Fund (0105).....\$27,000,000

SECTION 2.235. — To the Department of Elementary and Secondary Education
 For the Office of Childhood
 For Early Childhood Development, provided that the Department of Elementary and Secondary Education shall coordinate the delivery of services of the Parents as Teachers Program with the Home Visiting Programs within the Office of Childhood
 From General Revenue Fund (0101)\$17,618,975
 From Early Childhood Development, Education and Care Fund (0859) 5,000,000

For Early Childhood Development in unaccredited or provisionally accredited districts, provided that the Department of Elementary and Secondary

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

Education shall coordinate the delivery of services of the Parents as Teachers Program with the Home Visiting Programs within the Office of Childhood	
From General Revenue Fund (0101)	500,000
Total.....	\$23,118,975

SECTION 2.240. — To the Department of Elementary and Secondary Education For the Office of Childhood

For grants to community-based programs to strengthen the child welfare system locally to prevent child abuse and neglect and divert children from entering into the custody of the Department of Social Services, Children's Division, provided that the delivery of services shall be coordinated with the Parents as Teachers Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400

From General Revenue Fund (0101)	\$4,611,500
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,290,000
From Child Care and Development Block Grant Federal Fund (0168).....	1,537,000
From Department of Elementary and Secondary Education Federal Stimulus Fund (2300).....	907,000
Total.....	\$8,345,500

SECTION 2.241. — To the Department of Elementary and Secondary Education For the Office of Childhood

For the purpose of funding home visitation services through the early and periodic screening, diagnostic, and treatment benefit under the MO HealthNet fee-for-service program to pregnant women under age 21 and their children under age 3. Services shall include screening, health education and anticipatory guidance, and case management provided through evidence-based home visitation models. Women must meet at least one risk factor determined by the division to increase the likelihood of poor health outcomes. To offer services under this section, providers must document certification in an evidence-based home visitation model approved by the division. The Office of Childhood and MO HealthNet Division shall coordinate the delivery of these services and home visitation services in Section 2.240

From Title XIX - Federal Fund (0163).....	\$3,000,000
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SECTION 2.245. — To the Department of Elementary and Secondary Education For the Office of Childhood

For reimbursements to school districts for the Early Childhood Program, Hard-to-Reach Incentives, and Parent Education in conjunction with the Early Childhood Education and Screening Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400

From General Revenue Fund (0101)	\$198,200
From Child Care and Development Block Grant Federal Fund (0168).....	500,000

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

For development of a voluntary early learning quality assurance report
 From General Revenue Fund (0101) 119,713

For receiving and expending early childhood education grants
 From Elementary and Secondary Education - Federal Fund (0105)..... 11,200,000
 Total.....\$12,017,913

SECTION 2.250. — To the Department of Elementary and Secondary Education
 For the Office of Childhood

For the First Steps Program, provided that not more than three percent (3%)
 flexibility is allowed from this section to Section 2.400
 From General Revenue Fund (0101)\$37,818,953
 From Elementary and Secondary Education - Federal Fund (0105)..... 10,993,757
 From Title XXI - Children’s Health Insurance Program Federal Fund (0159) 10,000,000
 From Part C Early Intervention Fund (0788) 1,500,000
 Total.....\$60,312,710

SECTION 2.255. — To the Department of Elementary and Secondary Education
 For the Office of Childhood

For improving the academic achievement of the disadvantaged programs
 operated by local education agencies under Title I of the Elementary and
 Secondary Education Act of 1965 as amended by the Every Student
 Succeeds Act of 2015, provided that not more than twenty-five percent
 (25%) flexibility is allowed from this section to Section 2.140
 From Elementary and Secondary Education - Federal Fund (0105).....\$31,411,225

SECTION 2.260. — To the Department of Elementary and Secondary Education
 For the Office of Childhood

For the School Age Afterschool Program
 From Elementary and Secondary Education - Federal Fund (0105).....\$20,314,215
 From Child Care and Development Block Grant Federal Fund (0168)..... 1,263,063

For afterschool programs in urban areas with a focus on addressing the needs of
 students in school districts affected by gun violence, with a priority of
 serving high poverty
 From General Revenue Fund (0101) 350,000
 Total.....\$21,927,278

SECTION 2.265. — To the Department of Elementary and Secondary Education
 For the Office of Childhood

For the purpose of providing home visiting services and health and safety
 services and education through local implementing agencies and for the
 administration of the Parent Advisory Council, provided that not more than
 three percent (3%) flexibility is allowed from this section to Section 2.400
 From Elementary and Secondary Education - Federal Fund (0105).....\$4,551,508

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

SECTION 2.270. — To the Department of Elementary and Secondary Education
For the Office of Childhood
For the purpose of enhancing child care health and safety practices through
provider outreach

From Elementary and Secondary Education - Federal Fund (0105).....	\$237,712
From Child Care and Development Block Grant Federal Fund (0168).....	<u>414,362</u>
Total.....	\$652,074

SECTION 2.275. — To the Department of Elementary and Secondary Education
For the Office of Childhood
For activities to improve the quality of childcare, increase the availability of early
childhood development programs, before- and after-school care, in-home
services for families with newborn children, and for general administration
of the program

From Elementary and Secondary Education - Federal Fund (0105).....	\$436,675
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SECTION 2.280. — To the Department of Elementary and Secondary Education
For the Office of Childhood, provided that five percent (5%) flexibility is allowed
between Child Care Subsidy and Child Care Services and that not more than
three percent (3%) flexibility is allowed from this section to Section 2.400
For child care subsidy payments for low-income families, provided that the
income thresholds for childcare subsidies shall be a full traditional subsidy
benefit for individuals with an income which is less than or equal to 150
percent of the federal poverty level; a transitional benefit of 80 percent for
individuals with an income which is less than or equal to 185 percent of the
federal poverty level but greater than 150 percent of the federal poverty
level; a transitional benefit of 60 percent for individuals with an income
which is less than or equal to 215 percent of the federal poverty level but
greater than 185 percent of federal poverty level, and further provided that a
traditional or transitional child care subsidy benefit regardless of previously
qualifying for a traditional or transitional benefit for a child care subsidy, and
further provided that the established sliding fee that provides for cost sharing
by families that receive subsidy services be waived for the participant and
paid by the department to providers from this appropriation; and to provide
childcare subsidies for children under the care, custody, or involved with the
Department of Social Services - Children's Division and children adopted or
under legal guardianship through Children's Division, and further provided
that the subsidy paid by the Children's Division to providers on behalf of
children in foster care shall be fixed to the market rate by region and
provider-type, in accordance with the latest market rate study performed by
or for the Division, and further provided that payments to providers shall be
made in full and no more than two weeks in arrears

From General Revenue Fund (0101)	\$22,463,167
From Child Care and Development Block Grant Federal Fund (0168).....	145,648,290
From DESE Federal Stimulus Fund (2300)	24,373,774
From Early Childhood Development, Education and Care Fund (0859)	<u>7,279,101</u>

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

For development and implementation of automated systems to enhance time, attendance reporting, contract compliance, payment accuracy, monitoring, referral services, professional development, before and after school programs, Early Head Start, parent education, background screenings, and to support the Educare Program; and further provided that the Office of Childhood may provide one-time funding to providers, not to exceed \$5,000 per provider, to assist providers who otherwise meet the department's qualifications, to meet requirements for accreditation, and further provided the Department of Elementary and Secondary Education shall reimburse providers more frequently than one month in arrears

From General Revenue Fund (0101)	10,954,873
From Child Care and Development Block Grant Federal Fund (0168).....	30,775,684
From DESE Federal Stimulus Fund (2300)	11,925,022
From Early Childhood Development, Education and Care Fund (0859)	295,399

For child care services in response to the COVID-19 pandemic, provided that the House Budget and the Senate Appropriations Committee chairmen be provided a spend plan, in writing, prior to submission to the federal government and prior to expenditure of such funds, and further provided that amendments to said spend plan shall be submitted to the chairmen with the same aforementioned stipulations that apply to the original spend plan

From Department of Elementary and Secondary Education Federal Stimulus Fund (2300)	185,155,630
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For early childhood development, education, and care programs for low-income families

From General Revenue Fund (0101)	3,500,000
Total.....	\$442,370,940

SECTION 2.285. — To the Department of Elementary and Secondary Education For payments to school districts for children in residential placements through the Department of Mental Health or the Department of Social Services pursuant to Section 167.126, RSMo

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

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

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

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

SECTION 2.290. — To the Department of Elementary and Secondary Education For the Sheltered Workshops Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400	
From General Revenue Fund (0101)	\$26,041,961
SECTION 2.295. — To the Department of Elementary and Secondary Education For payments to readers for blind or visually-disabled students in elementary and secondary schools, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400	
From General Revenue Fund (0101)	\$25,000
SECTION 2.300. — To the Department of Elementary and Secondary Education For a task force on blind student academic and vocational performance, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400	
From General Revenue Fund (0101)	\$231,953
SECTION 2.305. — To the Department of Elementary and Secondary Education For the Missouri School for the Deaf	
From School for the Deaf Trust Fund (0922).....	\$49,500
SECTION 2.310. — To the Department of Elementary and Secondary Education For the Missouri School for the Blind	
From School for the Blind Trust Fund (0920)	\$1,500,000
SECTION 2.315. — To the Department of Elementary and Secondary Education For the Missouri Special Olympics Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400	
From General Revenue Fund (0101)	\$100,000
SECTION 2.320. — To the Department of Elementary and Secondary Education For the Missouri Schools for the Severely Disabled	
From Handicapped Children's Trust Fund (0618)	\$200,000
SECTION 2.325. — To the Department of Elementary and Secondary Education For the Missouri Charter Public School Commission, provided that not more than ten percent (10%) flexibility is allowed from personal service to expense and equipment	
Personal Service.....	\$280,052
Expense and Equipment.....	<u>806,614</u>
From Charter Public School Commission Revolving Fund (0860)	1,086,666
Expense and Equipment	
From Charter Public School Commission Federal Fund (0175)	500,000
From Charter Public School Commission Trust Fund (0862).....	<u>2,000,000</u>
Total (Not to exceed 3.00 F.T.E.).....	\$3,586,666

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

SECTION 2.330. — To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing, provided that
not more than three percent (3%) flexibility is allowed from this section to
Section 2.400

Personal Service.....	\$345,626
Expense and Equipment.....	<u>131,475</u>
From General Revenue Fund (0101)	477,101

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

From General Revenue Fund (0101)	300,000
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Personal Service.....	35,826
Expense and Equipment.....	<u>119,000</u>
From Missouri Commission for the Deaf and Hard of Hearing Fund (0743).....	154,826

Expense and Equipment	
From Missouri Commission for the Deaf and Hard of Hearing Board of Certification of Interpreters Fund (0264)	<u>150,842</u>
Total (Not to exceed 7.00 F.T.E.).....	\$1,082,769

SECTION 2.335. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the Statewide Hearing
Aid Distribution Fund

From General Revenue Fund (0101)	\$100,000
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SECTION 2.340. — To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing
For the Statewide Hearing Aid Distribution Program

From Statewide Hearing Aid Distribution Fund (0617).....	\$200,000
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SECTION 2.345. — To the Department of Elementary and Secondary Education
For the Missouri Assistive Technology Council

Personal Service.....	\$218,990
Expense and Equipment.....	<u>571,274</u>
From Assistive Technology Federal Fund (0188)	790,264

Personal Service.....	241,258
Expense and Equipment.....	<u>1,639,827</u>
From Deaf Relay Service and Equipment Distribution Program Fund (0559)	1,881,085

Personal Service.....	55,296
Expense and Equipment.....	<u>575,000</u>
From Assistive Technology Loan Revolving Fund (0889)	630,296

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

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Matter in bold-face type is proposed language.

For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	1,000
Total (Not to exceed 9.40 F.T.E.).....	\$4,382,645
SECTION 2.350. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund-County Foreign Tax Distribution, to the State School Moneys Fund	
From General Revenue Fund (0101)	\$128,962,172
SECTION 2.355. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the State School Moneys Fund	
From Fair Share Fund (0687).....	\$19,200,000
SECTION 2.360. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Outstanding Schools Trust Fund	
From General Revenue Fund (0101)	\$836,600,000
SECTION 2.365. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Classroom Trust Fund	
From Gaming Proceeds for Education Fund (0285)	\$335,000,000
SECTION 2.370. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Classroom Trust Fund	
From Lottery Proceeds Fund (0291).....	\$15,254,932
SECTION 2.375. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the School District Bond Fund	
From Gaming Proceeds for Education Fund (0285)	\$492,000
SECTION 2.380. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the State School Moneys Fund	
From School Building Revolving Fund (0279)	\$1,500,000
SECTION 2.385. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the State School Moneys Fund	
From After-School Retreat Reading and Assessment Grant Program Fund (0732).....	\$2,000

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SECTION 2.387. — To the Department of Elementary and Secondary Education
 Funds are to be transferred out of the State Treasury to the General Revenue Fund
 From School Broadband Fund (0208).....\$2,300,000

SECTION 2.400. — To the Department of Elementary and Secondary Education
 Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund
 From General Revenue Fund (0101).....\$1

PART 2

SECTION 2.500. — To the Department of Elementary and Secondary Education
 In reference to all sections in Part 1 of this act:
 No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

SECTION 2.505. — To the Department of Elementary and Secondary Education
 In reference to Section 2.280 of Part 1 of this act: No funds shall be expended in furtherance of provider rates greater than the rate in effect on December 1, 2020, and no funds shall be expended in furtherance of traditional or transitional child care subsidy income eligibility thresholds than those provided, and further provided the child care subsidy program sliding fee schedule shall be waived for the participant and paid by the department to providers from this appropriation.

PART 3

SECTION 2.600. — To the Department of Elementary and Secondary Education
 In reference to Section 2.280 of Part 1 and Part 2 of this act:
 The Department shall provide written notification prior to submission to the federal government of state plans and state plan amendments, and reports to the House Budget and Senate Appropriation Committee Chairs.

SECTION 2.605. — To the Department of Elementary and Secondary Education

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
2.020	21	\$522,703,375	0
2.025	15	\$7,284,647	0
2.025	23	\$33,775,112	0
2.091	8	\$1,100,000	0
2.387	5	\$2,300,000	0

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Bill Totals

General Revenue Fund.....	\$3,621,458,628
Federal Funds.....	2,259,731,515
Other Funds.....	<u>1,616,298,249</u>
Total.....	\$7,497,488,392

Approved June 30, 2021

CCS SS SCS HCS HB 3

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021, and ending June 30, 2022, as follows:

PART 1

SECTION 3.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarifications of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond

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June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

SECTION 3.005. — To the Department of Higher Education and Workforce Development

For Higher Education Coordination and for grant and scholarship program administration, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135

Personal Service.....	\$2,258,895
Expense and Equipment.....	<u>508,488</u>
From General Revenue Fund (0101)	2,767,383

Personal Service.....	40,932
Expense and Equipment.....	<u>16,850</u>
From Department of Higher Education Out-of-State Program Fund (0420).....	57,782

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

From Quality Improvement Revolving Fund (0537)	<u>75,000</u>
Total (Not to exceed 45.03 F.T.E.)	\$2,900,165

***SECTION 3.006.** — To the Department of Higher Education and Workforce Development

For the purpose of funding performance incentives for high-achieving department employees

Personal Service	
From General Revenue Fund (0101)	\$5,724
From Federal and Other Funds (Various).....	<u>46,532</u>
Total.....	\$52,256

*I hereby veto \$52,256, including \$5,724 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.
From \$5,724 to \$0 from general revenue.
From \$46,532 to \$0 from federal and other funds.
From \$52,256 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

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

SECTION 3.010. — To the Department of Higher Education and Workforce Development	
For distributions of the Governor's Emergency Education Relief Funds to institutions of higher education under the Coronavirus Aid, Relief, and Economic Security Act	
From Department of Higher Education and Workforce Development Federal Emergency Relief Fund (2315)	\$15,000,000
For distributions of the Governor's Emergency Education Relief Funds to institutions of higher education under the Coronavirus Response and Relief Supplemental Appropriations Act	
From Department of Higher Education and Workforce Development Federal Emergency Relief Fund (2315)	<u>12,000,000</u>
Total.....	\$27,000,000
 SECTION 3.015. — To the Department of Higher Education and Workforce Development	
For the MO Excels Workforce Initiative, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135	
From Budget Stabilization Fund (0522)	\$21,831,384
 SECTION 3.020. — To the Department of Higher Education and Workforce Development	
For regulation of proprietary schools as provided in Section 173.600, RSMo	
Personal Service.....	\$228,449
Expense and Equipment.....	<u>92,148</u>
From Proprietary School Certification Fund (0729).....	320,597
For the initial and ongoing costs to the department associated with the closure of proprietary schools, provided that not more than 25% flexibility is allowed between personal service and expense and equipment	
Personal Service.....	45,000
Expense and Equipment.....	<u>100,000</u>
From Proprietary School Bond Fund (0760).....	<u>145,000</u>
Total (Not to exceed 5.00 F.T.E.).....	\$465,597
 SECTION 3.025. — To the Department of Higher Education and Workforce Development	
For indemnifying individuals as a result of improper actions on the part of proprietary schools as provided in Section 173.612, RSMo	
From Proprietary School Bond Fund (0760).....	\$400,000
 SECTION 3.030. — To the Department of Higher Education and Workforce Development	
For annual membership in the Midwestern Higher Education Compact	
From General Revenue Fund (0101)	\$115,000

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SECTION 3.035. — To the Department of Higher Education and Workforce Development

For receiving and expending donations and federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards

From Department of Higher Education and Workforce Development Federal Fund (0116)..... \$500,000

SECTION 3.040. — To the Department of Higher Education and Workforce Development

For receiving and expending donations and funds other than federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards

From State Institutions Gift Trust Fund (0925)..... \$1,000,000

SECTION 3.045. — To the Department of Higher Education and Workforce Development

Funds are to be transferred out of the State Treasury to the Academic Scholarship Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135

From General Revenue Fund (0101) \$22,076,666
From State Institutions Gift Trust Fund (0925)..... 2,000,000
Total..... \$24,076,666

SECTION 3.050. — To the Department of Higher Education and Workforce Development

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

From Academic Scholarship Fund (0840) \$25,576,666

SECTION 3.055. — To the Department of Higher Education and Workforce Development

Funds are to be transferred out of the State Treasury to the Access Missouri Financial Assistance Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135

From General Revenue Fund (0101) \$52,454,385
From Lottery Proceeds Fund (0291)..... 11,916,667
From State Institutions Gift Trust Fund (0925)..... 2,000,000
From Missouri Student Grant Program Gift Fund (0272)..... 50,000
Total..... \$66,421,052

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SECTION 3.060. — To the Department of Higher Education and Workforce Development
For the Access Missouri Financial Assistance Program pursuant to Chapter 173, RSMo
From Access Missouri Financial Assistance Fund (0791).....\$79,460,000

SECTION 3.065. — To the Department of Higher Education and Workforce Development
Funds are to be transferred out of the State Treasury to the A+ Schools Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135
From General Revenue Fund (0101)\$25,653,878
From Lottery Proceeds Fund (0291).....26,659,448
From State Institutions Gift Trust Fund (0925).....2,000,000

Funds are to be transferred out of the State Treasury to the A+ Schools Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135
From General Revenue (0101)..... 5,000,000
Total.....\$59,313,326

SECTION 3.070. — To the Department of Higher Education and Workforce Development
For the A+ Schools Program, provided that any institution with enrolled students receiving such funds shall provide sufficient data to the Department of Higher Education and Workforce Development necessary for the department to submit year-end information which shall be delivered to the general assembly by the department detailing data about the distribution and utilization of such funds to students, including the number of students who receive a zero award due to federal and other state aid
From A+ Schools Fund (0955)\$55,900,000

For the A+ Schools Program, pursuant to Section 160.545.12.2, RSMo
From A+ Schools Fund (0955) 5,000,000
Total.....\$60,900,000

SECTION 3.075. — To the Department of Higher Education and Workforce Development
Funds are to be transferred out of the State Treasury to the Fast-Track Workforce Incentive Grant Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135
From General Revenue Fund (0101)\$3,700,000
From Lottery Proceeds Fund (0291)..... 1,000,000
From Department of Higher Education and Workforce Development Federal Emergency Relief Fund (2315) 1,000,000
Total.....\$5,700,000

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SECTION 3.080. — To the Department of Higher Education and Workforce Development
 For the Fast-Track Workforce Incentive Grant Program, provided that any Fast-Track Workforce Incentive Grant toward a scholarship at a private four-year institution is limited to not more than the in-state tuition and fees for the University of Missouri-Columbia, and further provided that any Fast-Track Workforce Incentive Grant toward a scholarship at a private two-year institution is limited to not more than the in-state tuition, fees, and charges at a most comparable program at any Missouri two-year public community college or the State Technical College of Missouri
 From Fast-Track Workforce Incentive Grant Fund (0488).....\$6,200,000

SECTION 3.081. — To the Department of Higher Education and Workforce Development
 For the purpose of establishing a nursing simulation laboratory facility to enhance and expand nursing education and development opportunities through an online statewide nursing education program
 From State Emergency Management Federal Stimulus Fund (2335).....\$2,000,000

SECTION 3.085. — To the Department of Higher Education and Workforce Development
 For Advanced Placement grants for Access Missouri Financial Assistance Program and A+ Schools Program recipients
 From AP Incentive Grant Fund (0983).....\$100,000

SECTION 3.090. — To the Department of Higher Education and Workforce Development
 For the Public Service Officer or Employee Survivor Grant Program pursuant to Section 173.260, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135
 From General Revenue Fund (0101)\$153,000

SECTION 3.095. — To the Department of Higher Education and Workforce Development
 For the Veterans' Survivors Grant Program pursuant to Section 173.234, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135
 From General Revenue Fund (0101)\$325,000

SECTION 3.100. — To the Department of Higher Education and Workforce Development
 For the Kids' Chance Scholarship Program pursuant to Chapter 173, RSMo
 From Kids' Chance Scholarship Fund (0878)\$15,000

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SECTION 3.105. — To the Department of Higher Education and Workforce Development	
For the Minority and Underrepresented Environmental Literacy Program pursuant to Section 640.240, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135	
From General Revenue Fund (0101)	\$36,964
 SECTION 3.110. — To the Department of Higher Education and Workforce Development	
For the Missouri Guaranteed Student Loan Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service	\$641,144
Expense and Equipment.....	2,479,787
Default prevention activities	640,000
Payment of fees for collection of defaulted loans.....	8,000,000
Payment of penalties to the federal government associated with late deposit of default collections.....	500,000
From Guaranty Agency Operating Fund (0880) (Not to exceed 15.80 F.T.E.)	\$12,260,931
 SECTION 3.115. — To the Department of Higher Education and Workforce Development	
Funds are to be transferred out of the State Treasury to the Guaranty Agency Operating Fund	
From Federal Student Loan Reserve Fund (0881).....	\$15,000,000
 SECTION 3.120. — To the Department of Higher Education and Workforce Development	
For purchase of defaulted loans, payment of default aversion fees, reimbursement to the federal government, and investment of funds in the Federal Student Loan Reserve Fund	
From Federal Student Loan Reserve Fund (0881).....	\$120,000,000
 SECTION 3.125. — To the Department of Higher Education and Workforce Development	
For the transfer of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	\$750,000
 SECTION 3.130. — To the Department of Higher Education and Workforce Development	
Funds are to be transferred out of the State Treasury to the Federal Student Loan Reserve Fund	
From Guaranty Agency Operating Fund (0880).....	\$1,000,000

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SECTION 3.135. — To the Department of Higher Education and Workforce Development
 Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund
 From General Revenue Fund (0101)\$1

SECTION 3.140. — To the Department of Higher Education and Workforce Development
 For the Division of Workforce Development
 For general administration of Workforce Development activities, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
 Personal Service.....\$17,701,784
 Expense and Equipment..... 3,231,264
 From Job Development and Training Fund (0155)20,933,048

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

For funding for persons with autism through a contract with a Southeast Missouri organization concentrating on the maximization of giftedness, workforce transition skills, independent living skills, and employment support services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135
 From General Revenue Fund (0101) 200,000
 Total (Not to exceed 344.02 F.T.E.)\$21,633,048

SECTION 3.145. — To the Department of Higher Education and Workforce Development
 For the Certified Work Ready Community Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135
 From General Revenue Fund (0101) \$100,000
 From Department of Higher Education and Workforce Development Federal Emergency Relief Fund (2315) 750,000

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

For an organization located within a home rule city with more than four hundred thousand inhabitants and located in more than one county to provide education curriculum, training, access to capital, and mentoring
 From General Revenue Fund (0101) 200,000

For a Pre-Apprenticeship program within any city not within a county to assist minorities and women in the preparation for entry into construction

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contractor sponsored apprenticeship programs by providing curriculum that teaches core competencies the student will need before applying for a construction position	
From Job Development and Training Fund (0155).....	300,000
For a historic local national organization, located within a home rule city with more than four hundred thousand inhabitants and located in more than one county, which enables disadvantaged persons to obtain self-sufficiency through job training and entrepreneurship	
From Job Development and Training Fund (0155).....	100,000
For a Workforce Pre-Apprenticeship training in any home rule city with more than four hundred thousand inhabitants and located in more than one county to assist minorities and women in the preparation for entry into construction contractor sponsored apprenticeship programs by providing curriculum that teaches core competencies the student will need before applying for a construction position	
From Job Development and Training Fund (0155).....	400,000
For an organization providing services in a city not within a county, that facilitates supplemental education programs, job development and training, and community service programs for under-resourced individuals	
From Job Development and Training Fund (0155).....	600,000
For a grant to an organization providing services in a city not within a county, that facilitates supplemental education programs, job development and training, and community service programs for under-resourced individuals	
From State Emergency Management Federal Stimulus Fund (2335).....	600,000
For job training and related activities	
From Department of Higher Education and Workforce Development Federal Stimulus Fund (2310).....	1,212,759
From Department of Higher Education and Workforce Development Federal Emergency Relief Fund (2315).....	85,500
From Job Development and Training Fund (0155).....	66,750,000
From Special Employment Security Fund (0949).....	1,000,000
For administration of programs authorized and funded by the United States Department of Labor, such as Trade Adjustment Assistance (TAA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Workforce Development	
From Job Development and Training Fund (0155).....	8,000,000
Total.....	\$80,598,259

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SECTION 3.150. — To the Missouri University of Science and Technology
 For phased expansion of Project Lead the Way in ten (10) southern Missouri counties. This funding will serve as state match for federal funding, and will provide pilot support for Project Lead the Way in a city of the fourth classification with more than one thousand nine hundred but fewer than two thousand one hundred inhabitants and located in any county of the third classification with a township form of government and with more than twenty-five thousand but fewer than twenty-eight thousand inhabitants and a county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than six thousand but fewer than seven thousand inhabitants as the county seat in affiliation with Missouri University of Science and Technology
 From General Revenue Fund (0101) \$250,000

SECTION 3.200. — To the Department of Higher Education and Workforce Development
 For distribution to community colleges as provided in Section 163.191, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135
 From General Revenue Fund (0101) \$128,639,790
 From Lottery Proceeds Fund (0291) 10,489,991

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

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

For the payment of refunds set off against debt as required by Section 143.786, RSMo
 From Debt Offset Escrow Fund (0753) 3,000,000
 Total \$156,570,515

SECTION 3.205. — To the State Technical College of Missouri, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135
 All Expenditures
 From General Revenue Fund (0101) \$7,494,154
 From Lottery Proceeds Fund (0291) 536,217

For the payment of refunds set off against debt as required by Section 143.786, RSMo
 From Debt Offset Escrow Fund (0753) 30,000
 Total \$8,060,371

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SECTION 3.210. — To the University of Central Missouri, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135	
All Expenditures	
From General Revenue Fund (0101)	\$51,334,917
From Lottery Proceeds Fund (0291)	6,050,959
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753)	225,000
Total	\$57,610,876
 SECTION 3.215. — To Southeast Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135	
All Expenditures	
From General Revenue Fund (0101)	\$42,641,252
From Lottery Proceeds Fund (0291)	4,935,757
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753)	225,000
Total	\$47,802,009
 SECTION 3.220. — To Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135	
All Expenditures	
From General Revenue Fund (0101)	\$87,808,980
From Lottery Proceeds Fund (0291)	9,670,119
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753)	500,000
Total	\$97,979,099
 SECTION 3.225. — To Lincoln University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135	
All Expenditures	
From General Revenue Fund (0101)	\$16,560,198
From Lottery Proceeds Fund (0291)	1,814,072
For the purpose of funding the federal match requirement in the areas of agriculture extension and/or research	
From General Revenue Fund (0101)	4,890,320

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For the payment of refunds set off against debt as required by Section 143.786,
 RSMo
 From Debt Offset Escrow Fund (0753)..... 200,000
 Total.....\$23,464,590

SECTION 3.230. — To Truman State University, provided that not more than
 three percent (3%) flexibility is allowed from this section to Section 3.135
 All Expenditures
 From General Revenue Fund (0101)\$38,625,589
 From Lottery Proceeds Fund (0291)..... 4,576,165

For the payment of refunds set off against debt as required by Section 143.786,
 RSMo
 From Debt Offset Escrow Fund (0753)..... 200,000
 Total.....\$43,401,754

SECTION 3.235. — To Northwest Missouri State University, provided that not
 more than three percent (3%) flexibility is allowed from this section to
 Section 3.135
 All Expenditures
 From General Revenue Fund (0101)\$28,997,263
 From Lottery Proceeds Fund (0291)..... 3,342,740

For the payment of refunds set off against debt as required by Section 143.786,
 RSMo
 From Debt Offset Escrow Fund (0753)..... 250,000
 Total.....\$32,590,003

SECTION 3.240. — To Missouri Southern State University, provided that not
 more than three percent (3%) flexibility is allowed from this section to
 Section 3.135
 All Expenditures
 From General Revenue Fund (0101)\$24,488,887
 From Lottery Proceeds Fund (0291)..... 2,431,511

For the payment of refunds set off against debt as required by Section 143.786,
 RSMo
 From Debt Offset Escrow Fund (0753)..... 200,000
 Total.....\$27,120,398

SECTION 3.245. — To Missouri Western State University, provided that not
 more than three percent (3%) flexibility is allowed from this section to
 Section 3.135
 All Expenditures
 From General Revenue Fund (0101)\$20,675,558
 From Lottery Proceeds Fund (0291)..... 2,394,327

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

For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	325,000
Total.....	\$23,394,885

SECTION 3.250. — To Harris-Stowe State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.135

All Expenditures	
From General Revenue Fund (0101)	\$9,699,348
From Lottery Proceeds Fund (0291).....	1,148,979

For establishing a program to provide training and education on entrepreneurship and entrepreneurial skills	
From Economic Development Advancement Fund (0783).....	500,000

For the design and implementation of the Urban Policing Program to provide students real world law enforcement practice and de-escalation and anti-bias training for officers throughout Missouri	
From General Revenue Fund (0101)	500,000

For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	200,000
Total.....	\$12,048,327

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

All Expenditures	
From General Revenue Fund (0101)	\$384,805,067
From Lottery Proceeds Fund (0291).....	46,842,748

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

For the Fisher Delta Research Center	
From General Revenue Fund (0101)	1,000,000

For the University of Missouri School of Law Veterans Clinic	
From General Revenue Fund (0101)	325,000

For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	1,400,000
Total.....	\$434,647,815

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

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

SECTION 3.270. — To the University of Missouri
 For the Missouri Telehealth Network, provided that not more than three percent
 (3%) flexibility is allowed from this section to Section 3.135
 All Expenditures
 From General Revenue Fund (0101) \$437,640

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

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

SECTION 3.280. — To the University of Missouri
 For the treatment of renal disease in a statewide program, provided that not more
 than three percent (3%) flexibility is allowed from this section to Section
 3.135
 All Expenditures
 From General Revenue Fund (0101) \$1,750,000

SECTION 3.285. — To the University of Missouri
 For the State Historical Society, provided that not more than three percent (3%)
 flexibility is allowed from this section to Section 3.135
 All Expenditures
 From General Revenue Fund (0101) \$3,364,367

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

PART 2

SECTION 3.300. — To the Department of Higher Education and Workforce
 Development and public institutions of higher education
 In reference to all sections in Part 1 of this act:

No funds shall be expended at public institutions of higher education that offer a tuition rate to any student with an unlawful immigration status in the United States that is less than the tuition rate charged to international students.

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

SECTION 3.310. — To the Department of Higher Education and Workforce Development and public institutions of higher education
In reference to all sections in Part 1 of this act:
No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

PART 3

SECTION 3.400. — To the Department of Higher Education and Workforce Development

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
3.010	12	\$12,000,000	0
3.015	6	\$21,831,384	0
3.081	7	\$2,000,000	0
3.145	45	\$600,000	0
3.145	48	\$1,212,759	0
3.250	9	\$500,000	0

Bill Totals

General Revenue Fund.....	\$984,342,065
Federal Funds.....	152,606,946
Other Funds.....	<u>277,421,287</u>
Total.....	\$1,414,370,298

Approved June 30, 2021

CCS SS SCS HCS HB 4

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021, and ending June 30, 2022, as follows:

PART 1

SECTION 4.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

SECTION 4.005. — To the Department of Revenue
For collecting highway related fees and taxes, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service.....	\$7,402,111
Annual salary adjustment in accordance with Section 105.005, RSMo.....	978

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

Expense and Equipment.....	<u>2,676,178</u>
From General Revenue Fund (0101).....	10,079,267
Personal Service.....	8,374,389
Annual salary adjustment in accordance with Section 105.005,RSMo.....	137
Expense and Equipment.....	<u>7,020,670</u>
From State Highways and Transportation Department Fund (0644).....	15,395,196

For a new motor vehicle and driver licensing computer system, including design and procurement analysis, provided three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service	
From General Revenue Fund (0101).....	<u>191,589</u>
Total (Not to exceed 448.59 F.T.E.).....	\$25,666,052

***SECTION 4.006.** — To the Department of Revenue

For the purpose of funding performance incentives for high-achieving department employees

Personal Service	
From General Revenue Fund (0101).....	\$83,629
From Federal and Other Funds (Various).....	<u>44,156</u>
Total.....	\$127,785

*I hereby veto \$127,785, including \$83,629 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.

From \$83,629 to \$0 from general revenue.

From \$44,156 to \$0 from federal and other funds.

From \$127,785 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.010. — To the Department of Revenue

For the Division of Taxation, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service.....	\$19,064,108
Expense and Equipment.....	<u>2,240,995</u>
From General Revenue Fund (0101).....	21,305,103
Personal Service.....	30,263
Expense and Equipment.....	<u>1,071</u>
From Petroleum Storage Tank Insurance Fund (0585).....	31,334

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

Personal Service.....	36,835
Expense and Equipment.....	<u>2,818</u>
From Petroleum Inspection Fund (0662).....	39,653
Personal Service.....	56,760
Expense and Equipment.....	<u>4,163</u>
From Health Initiatives Fund (0275).....	60,923
Personal Service.....	615,548
Expense and Equipment.....	<u>8,277</u>
From Conservation Commission Fund (0609)	623,825
For organizational dues, provided three percent (3%) flexibility is allowed from this section to Section 4.170	
From General Revenue Fund (0101)	212,401
For the integrated tax system, provided three percent (3%) flexibility is allowed from this section to Section 4.170	
Expense and Equipment	
From General Revenue Fund (0101)	<u>7,500,000</u>
Total (Not to exceed 489.00 F.T.E.)	\$29,773,239

SECTION 4.012. — To the Department of Revenue
For the Division of Taxation
For payment to the 911 Service Board Trust Fund
From General Revenue Fund (0101)

	\$312,675
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SECTION 4.015. — To the Department of Revenue
For the Division of Motor Vehicle and Driver Licensing, provided ten percent
(10%) flexibility is allowed between personal service and expense and
equipment, ten percent (10%) flexibility is allowed between Sections 4.005,
4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed
from this section to Section 4.170

Personal Service.....	\$407,448
Expense and Equipment.....	<u>530,232</u>
From General Revenue Fund (0101)	937,680
Personal Service.....	2,890
Expense and Equipment.....	<u>160,776</u>
From Department of Revenue - Federal Fund (0132)	163,666
Personal Service.....	214,043
Expense and Equipment.....	<u>245,840</u>
From Motor Vehicle Commission Fund (0588)	459,883
Personal Service.....	7,284
Expense and Equipment.....	<u>9,953</u>

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

From Department of Revenue Specialty Plate Fund (0775).....	<u>17,237</u>
Total (Not to exceed 32.05 F.T.E.)	\$1,578,466

SECTION 4.020.— To the Department of Revenue

For the Division of Legal Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service.....	\$1,933,322
Expense and Equipment.....	<u>101,323</u>
From General Revenue Fund (0101)	2,034,645
Personal Service.....	227,629
Expense and Equipment.....	<u>211,427</u>
From Department of Revenue - Federal Fund (0132)	439,056
Personal Service.....	469,149
Expense and Equipment.....	<u>28,118</u>
From Motor Vehicle Commission Fund (0588)	497,267
Personal Service.....	44,425
Expense and Equipment.....	<u>3,323</u>
From Tobacco Control Special Fund (0984).....	<u>47,748</u>
Total (Not to exceed 58.80 F.T.E.)	\$3,018,716

SECTION 4.025.— To the Department of Revenue

For the Division of Administration, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service.....	\$1,375,302
Annual salary adjustment in accordance with Section 105.005, RSMo.....	221
Expense and Equipment.....	<u>318,618</u>
From General Revenue Fund (0101)	1,694,141
Personal Service.....	57,687
Expense and Equipment.....	<u>3,470,006</u>
From Department of Revenue - Federal Fund (0132)	3,527,693
Personal Service.....	27,754
Expense and Equipment.....	<u>1,462,900</u>
From Child Support Enforcement Fund (0169).....	1,490,654

For postage, provided three percent (3%) flexibility is allowed from this section to Section 4.170

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

Expense and Equipment

From General Revenue Fund (0101)	3,043,011
From Health Initiatives Fund (0275).....	5,373
From Motor Vehicle Commission Fund (0588).....	44,029
From Conservation Commission Fund (0609)	1,343
Total (Not to exceed 41.11 F.T.E.)	\$9,806,244

***SECTION 4.030.** — To the Department of Revenue
 For distribution to port authorities to expand, develop, and redevelop advanced industrial manufacturing zones including the satisfaction of bonds, managerial, engineering, legal, research, promotion, and planning expenses

From Port Authority AIM Zone Fund (0583).....	\$500,000
For distribution to Targeted Industrial Manufacturing Enhancement Zones	
From TIME Zone Fund (0604)	500,000
Total.....	\$1,000,000

*I hereby veto \$500,000 TIME Zone Fund for distribution to Targeted Industrial Manufacturing Enhancement Zones. This increase was not part of my budget recommendations, and legislation to establish the program was not approved by the General Assembly.

For distribution to Targeted Industrial Manufacturing Enhancement Zones
 By \$500,000 from \$500,000 to \$0 from TIME Zone Fund.
 From \$1,000,000 to \$500,000 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 4.035. — To the Department of Revenue
 For fees to counties as a result of delinquent collections made by circuit attorneys or prosecuting attorneys and payment of collection agency fees

From General Revenue Fund (0101)	\$2,900,000
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SECTION 4.040. — To the Department of Revenue
 For fees to counties for the filing of lien notices and lien releases

From General Revenue Fund (0101)	\$200,000
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SECTION 4.045. — To the Department of Revenue
 For distribution to cities and counties of all funds accruing to the Motor Fuel Tax Fund under the provisions of Sections 30(a) and 30(b), Article IV, of the Constitution of Missouri

From Motor Fuel Tax Fund (0673).....	\$195,000,000
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SECTION 4.050. — To the Department of Revenue
 For distribution of emblem use fee contributions collected for specialty plates

From General Revenue Fund (0101)	\$34,100
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 4.055. — To the Department of Revenue
 For refunds for overpayment or erroneous payment of any tax or any payment
 credited to the General Revenue Fund
 From General Revenue Fund (0101)\$1,684,000,000

***SECTION 4.056.** — To the Department of Revenue
 For refunds of overpayment of sales and use tax for which the taxpayer was
 notified of the expansion of the Department of Revenue's interpretation of
 the tax base by audit, and for the attendant costs incurred by taxpayers in
 audit compliance
 From General Revenue Fund (0101) \$100,000
 From Other Funds (Various) 50,000
 Total..... \$150,000

*I hereby veto \$150,000, including \$100,000 general revenue, for sales and use tax refunds for which the taxpayer was notified of the expansion of the Department of Revenue's interpretation of the tax base by audit, and for the attendant costs incurred by taxpayers in audit compliance. Sufficient appropriation authority for sales and use tax refunds is already included in other refund lines within the budget. Additionally, this line item may violate Article III, Section 38(a) of the Missouri Constitution.

Said section is vetoed in its entirety.
 From \$100,000 to \$0 from General Revenue Fund.
 From \$50,000 to \$0 from Other Funds.
 From \$150,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 4.060. — To the Department of Revenue
 For refunds for overpayment or erroneous payment of any tax or any payment
 credited to Federal and Other Funds
 From Federal and Other Funds (Various)..... \$50,000

SECTION 4.065. — To the Department of Revenue
 For refunds for any overpayment or erroneous payments of any tax or fee
 credited to the State Highways and Transportation Department Fund
 From State Highways and Transportation Department Fund (0644)\$1,200,000

SECTION 4.070. — To the Department of Revenue
 For refunds for any overpayment or erroneous payment of any amount credited
 to the Aviation Trust Fund
 From Aviation Trust Fund (0952)..... \$50,000

SECTION 4.075. — To the Department of Revenue
 For refunds and distributions of motor fuel taxes
 From State Highways and Transportation Department Fund (0644)\$14,814,000

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

SECTION 4.080. — To the Department of Revenue
 For refunds for overpayment or erroneous payment of any tax or any payment
 credited to the Workers' Compensation Fund
 From Workers' Compensation Fund (0652).....\$2,000,000

SECTION 4.085. — To the Department of Revenue
 For refunds for overpayment or erroneous payment of any tax or any payment
 for tobacco taxes
 From Health Initiatives Fund (0275)..... \$125,000
 From State School Moneys Fund (0616)..... 25,000
 From Fair Share Fund (0687)..... 11,000
 Total.....\$161,000

SECTION 4.090. — To the Department of Revenue
 For apportionments to the several counties and the City of St. Louis to offset
 credits taken against the County Stock Insurance Tax
 From General Revenue Fund (0101) \$135,700

SECTION 4.095. — To the Department of Revenue
 For tax delinquencies set off by tax credits
 From General Revenue Fund (0101) \$150,000

SECTION 4.100. — To the Department of Revenue
 Funds are to be transferred out of the State Treasury to the Debt Offset
 Escrow Fund in such amounts as may be necessary to make payments of
 refunds set off against debts as required by Section 143.786, RSMo
 From General Revenue Fund (0101)\$19,657,384

SECTION 4.105. — To the Department of Revenue
 Funds are to be transferred out of the State Treasury to the Circuit Courts
 Escrow Fund in such amounts as may be necessary to make payments of
 refunds set off against debts as required by Section 488.020(3), RSMo
 From General Revenue Fund (0101)\$4,074,458

SECTION 4.110. — To the Department of Revenue
 For refunds set off against debts as required by Section 143.786, RSMo
 From Debt Offset Escrow Fund (0753).....\$1,339,119

SECTION 4.115. — To the Department of Revenue
 Funds are to be transferred out of the State Treasury to the General Revenue
 Fund
 From School District Trust Fund (0688)\$2,500,000

SECTION 4.120. — To the Department of Revenue
 Funds are to be transferred out of the State Treasury to the General Revenue
 Fund in the amount of sixty-six hundredths percent of the funds received
 From Parks Sales Tax Fund (0613).....\$325,000

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

SECTION 4.125. — To the Department of Revenue	
Funds are to be transferred out of the State Treasury to the General Revenue	
Fund in the amount of sixty-six hundredths percent of the funds received	
From Soil and Water Sales Tax Fund (0614).....	\$325,000
SECTION 4.130. — To the Department of Revenue	
Funds are to be transferred out of the State Treasury for amounts from	
income tax refunds designated by taxpayers for deposit in various income	
tax check-off funds	
From General Revenue Fund (0101)	\$471,000
SECTION 4.135. — To the Department of Revenue	
Funds are to be transferred out of the State Treasury to the General Revenue	
Fund for amounts from income tax refunds erroneously deposited to various	
funds	
From Other Funds (Various)	\$13,669
SECTION 4.140. — To the Department of Revenue	
For distribution from the various income tax check-off charitable trust funds	
From Other Funds (Various)	\$50,000
SECTION 4.145. — To the Department of Revenue	
Funds are to be transferred out of the State Treasury to the State Highways	
and Transportation Department Fund	
From Department of Revenue Information Fund (0619).....	\$1,250,000
SECTION 4.150. — To the Department of Revenue	
Funds are to be transferred out of the State Treasury to the State Highways	
and Transportation Department Fund	
From Motor Fuel Tax Fund (0673).....	\$560,178,001
SECTION 4.155. — To the Department of Revenue	
Funds are to be transferred out of the State Treasury to the State Highways	
and Transportation Department Fund	
From Department of Revenue Specialty Plate Fund (0775)	\$20,000
SECTION 4.160. — To the Department of Revenue	
For the State Tax Commission, provided ten percent (10%) flexibility is allowed	
between personal service and expense and equipment and three percent (3%)	
flexibility is allowed from this section to Section 4.170	
Personal Service.....	\$2,275,183
Annual salary adjustment in accordance with Section 105.005, RSMo.....	3,394
Expense and Equipment.....	169,955
From General Revenue Fund (0101)	2,448,532

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

For the Productive Capability of Agricultural and Horticultural Land Use Study,
 provided three percent (3%) flexibility is allowed from this section to
 Section 4.170
 Expense and Equipment
 From General Revenue Fund (0101) 3,798
 Total (Not to exceed 37.00 F.T.E.)\$2,452,330

SECTION 4.165. — To the Department of Revenue
 For the state's share of the costs and expenses incurred pursuant to an approved
 assessment and equalization maintenance plan as provided by Chapter 137,
 RSMo
 From General Revenue Fund (0101)\$10,595,322

SECTION 4.170. — To the Department of Revenue
 Funds are to be transferred out of the State Treasury to the State Legal
 Expense Fund for the payment of claims, premiums, and expenses as
 provided by Section 105.711 through 105.726, RSMo
 From General Revenue Fund (0101)\$1

SECTION 4.175. — To the Department of Revenue
 For the State Lottery Commission, provided ten percent (10%) flexibility is
 allowed between personal service and expense and equipment and all
 moneys received by the State Lottery Commission from the sale of Missouri
 lottery tickets and from all other sources shall be deposited in the State
 Lottery Fund, pursuant to Article III, Section 39(b) of the Missouri
 Constitution
 Personal Service.....\$7,540,567
 Expense and Equipment, excluding any purposes for which appropriations
 have been made elsewhere in this section..... 8,970,352

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

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

For advertising expenses 400,000
 From Lottery Enterprise Fund (0657) (Not to exceed 153.50 F.T.E.)\$55,476,781

SECTION 4.180. — To the Department of Revenue
 For the State Lottery Commission
 For the payment of prizes
 From State Lottery Fund (0682).....\$174,075,218

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

SECTION 4.185.— To the Department of Revenue

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

From State Lottery Fund (0682).....\$71,979,476

SECTION 4.190.— To the Department of Revenue

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

From State Lottery Fund (0682).....\$338,132,500

SECTION 4.400.— To the Department of Transportation

For the Highways and Transportation Commission and Highway Program Administration, provided twenty percent (20%) flexibility is allowed between Sections 4.400, 4.425, 4.455, 4.460 and 4.475

Personal Service.....\$19,653,614

Expense and Equipment..... 6,347,562

From State Road Fund (0320)26,001,176

For organizational dues

From Multimodal Operations Federal Fund (0126) 5,000

From State Road Fund (0320) 70,000

From Railroad Expense Fund (0659)..... 5,000

Total (Not to exceed 343.57 F.T.E.)\$26,081,176

***SECTION 4.401.**— To the Department of Transportation

For the purpose of funding performance incentives for high-achieving department employees

Personal Service

From Federal and Other Funds (Various).....\$685,051

*I hereby veto \$685,051 for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.

From \$685,051 to \$0 from federal and other funds.

From \$685,051 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.405.— To the Department of Transportation

For payment of the state's contribution to the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, provided fifty percent (50%) flexibility is allowed between Sections 4.405, 4.410, 4.415 and 4.420

Personal Service

From Multimodal Operations Federal Fund (0126)\$195,754

From Department of Transportation - Highway Safety Fund (0149)..... 247,082

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

From State Road Fund (0320).....	149,686,051
From Railroad Expense Fund (0659).....	290,058
From State Transportation Fund (0675).....	99,460
From Aviation Trust Fund (0952).....	<u>310,496</u>
Total.....	\$150,828,901

SECTION 4.410. — To the Department of Transportation

For payment of the state’s contribution for medical insurance, life insurance and Employee Assistance Program benefits for active Missouri Department of Transportation employees, provided fifty percent (50%) flexibility is allowed between Sections 4.405, 4.410, 4.415 and 4.420

Personal Service

From Multimodal Operations Federal Fund (0126).....	\$54,761
From Department of Transportation - Highway Safety Fund (0149).....	63,313
From Railroad Expense Fund (0659).....	88,160
From State Transportation Fund (0675).....	26,954
From Aviation Trust Fund (0952).....	90,490

Personal Service.....	53,015,698
Expense and Equipment.....	<u>77,937</u>

From State Road Fund (0320).....	<u>53,093,635</u>
Total.....	\$53,417,313

SECTION 4.415. — To the Department of Transportation

For payment of the state’s contribution for medical and life insurance benefits for retired Missouri Department of Transportation employees, provided fifty percent (50%) flexibility is allowed between Sections 4.405, 4.410, 4.415 and 4.420

Expense and Equipment

From State Road Fund (0320).....	\$18,629,968
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SECTION 4.420. — To the Department of Transportation

For the provision of workers’ compensation benefits to Missouri Department of Transportation employees, provided fifty percent (50%) flexibility is allowed between Sections 4.405, 4.410, 4.415 and 4.420

Expense and Equipment

From State Road Fund (0320).....	\$7,964,796
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SECTION 4.425. — To the Department of Transportation

For the Construction Program

To pay the cost of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of

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

Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges and to expend funds from the United States Government for like purposes, provided twenty percent (20%) flexibility is allowed between Sections 4.400, 4.425, 4.455, 4.460 and 4.475	
Personal Service.....	\$70,494,204
Expense and Equipment.....	27,909,485
Construction	<u>1,406,408,000</u>
From State Road Fund (0320).....	1,504,811,689
For all expenditures associated with paying outstanding state road bond debt, provided fifty percent (50%) flexibility is allowed between the State Road Fund and State Road Bond Fund	
From State Road Fund (0320).....	117,388,981
From State Road Bond Fund (0319).....	<u>201,259,881</u>
Total (Not to exceed 1,311.44 F.T.E.).....	\$1,823,460,551

SECTION 4.430. — To the Department of Transportation

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amount as may be necessary to pay the debt service for state road bonds issued by the state Highways and Transportation Commission with a term not to exceed seven years and annual debt service not to exceed \$45,550,000, payable in accordance with a financing agreement between the Commission and the Office of Administration, with the state road bonds issued with respect to said financing agreement not to exceed \$301,000,000 of costs to plan, design, construct, reconstruct, rehabilitate, and make significant repairs to bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program, to be deposited into the State Road Fund

From General Revenue Fund (0101).....\$45,550,000

SECTION 4.435. — To the Department of Transportation

For all expenditures associated with paying debt service of outstanding state road bonds issued by the state Highways and Transportation Commission pursuant to a financing agreement between the Commission and the Office of Administration related to the planning, designing, construction, reconstruction, rehabilitation, and significant repair of 215 bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program

From State Road Fund (0320).....\$45,550,000

SECTION 4.440. — To the Department of Transportation

For all expenditures associated with the planning, designing, construction, reconstruction, rehabilitation, and significant repair of 215 bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program to be funded from state road bond

proceeds, provided fifty percent (50%) flexibility is allowed between line items in this section

Personal Service.....	\$7,858,767
Fringe Benefits.....	7,279,300
Expense and Equipment.....	<u>203,098,610</u>
From State Road Fund (0320).....	\$218,236,677

SECTION 4.445. — To the Department of Transportation

For all expenditures associated with the planning, designing, construction, reconstruction, rehabilitation, and significant repair of bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program, provided fifty percent (50%) flexibility is allowed between line items in this section

Personal Service	\$1,010,450
Fringe Benefits.....	988,514
Program Distribution	<u>168,388</u>
From State Road Fund (0320).....	\$2,167,352

SECTION 4.450. — To the Department of Transportation

For the unexpended balance available as of June 30, 2021, but not to exceed \$25,000,000 for a transportation cost-share program with local communities, provided these funds shall not supplant, and shall only supplement, the current planned allocation of road and bridge expenditures under the most recently adopted state transportation and improvement plan, including all amendments thereto, as of the date of passage of this bill by the General Assembly, and provided the Department of Transportation and the Department of Economic Development work cooperatively to select projects with the greatest economic benefit to the state, representing expenditures originally authorized under the provisions of House Bill 4, Section 4.430, an Act of the 100th General Assembly, First Regular Session

From General Revenue Fund (0101).....	\$25,000,000
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SECTION 4.455. — To the Department of Transportation

For the Maintenance Program

For preserving and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the preservation, maintenance, and safety of highways and bridges, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and twenty percent (20%) flexibility is allowed between Sections 4.400, 4.425, 4.455, 4.460 and 4.475

Personal Service.....	\$425,990
Expense and Equipment.....	<u>55,092</u>
From Department of Transportation - Highway Safety Fund (0149).....	481,082

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Personal Service.....	153,717,436
Expense and Equipment.....	<u>246,668,665</u>
From State Road Fund (0320).....	400,386,101
Expense and Equipment	
From Motorcycle Safety Trust Fund (0246).....	350,000
For allotments, grants, and contributions from grants of National Highway Safety Act moneys for vehicle checkpoints where motorists may be detained without individualized reasonable suspicion, and related administrative expenses.....	1
For allotments, grants, and contributions from grants of National Highway Safety Act moneys for highway safety education and enforcement programs and their related administrative expenses, excluding expenses related to vehicle checkpoints where motorists may be detained without individualized reasonable suspicion.....	<u>18,999,999</u>
From Department of Transportation - Highway Safety Fund (0149).....	19,000,000
For the Motor Carrier Safety Assistance Program	
From Motor Carrier Safety Assistance Program/Division of Transportation - Federal Fund (0185).....	<u>3,299,725</u>
Total (Not to exceed 3,538.93 F.T.E.).....	\$423,516,908

SECTION 4.460. — To the Department of Transportation

For Fleet, Facilities, and Information Systems

For constructing, preserving, and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the construction, preservation, and maintenance of highways and bridges, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and twenty percent (20%) flexibility is allowed between Sections 4.400, 4.425, 4.455, 4.460 and 4.475

Personal Service.....	\$12,335,376
Expense and Equipment.....	<u>80,857,500</u>
From State Road Fund (0320) (Not to exceed 272.25 F.T.E.).....	\$93,192,876

SECTION 4.461. — To the Department of Transportation

For Fleet, Facilities, and Information Systems

For weigh station improvements in a home rule city with more than forty-seven thousand but fewer than fifty-two thousand inhabitants and partially located in any county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants

From State Road Fund (0320).....	\$598,000
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Matter in bold-face type is proposed language.

SECTION 4.465. — To the Department of Transportation

For refunding any tax or fee credited to the State Highways and Transportation

Department Fund \$1,000,000

For refunds and distributions of motor fuel taxes 25,000,000

From State Highways and Transportation Department Fund (0644) \$26,000,000

SECTION 4.470. — To the Department of Transportation

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

From State Highways and Transportation Department Fund (0644) \$510,000,000

SECTION 4.475. — To the Department of Transportation

For Multimodal Operations Administration, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and twenty percent (20%) flexibility is allowed between Sections 4.400, 4.425, 4.455, 4.460 and 4.475

Personal Service..... \$335,816

Expense and Equipment..... 269,600

From Multimodal Operations Federal Fund (0126) 605,416

Personal Service..... 502,063

Expense and Equipment..... 39,852

From State Road Fund (0320) 541,915

Personal Service..... 500,097

Expense and Equipment..... 145,699

From Railroad Expense Fund (0659)..... 645,796

Personal Service 171,483

Expense and Equipment..... 26,220

From State Transportation Fund (0675) 197,703

Personal Service..... 535,335

Expense and Equipment..... 24,827

From Aviation Trust Fund (0952)..... 560,162

Total (Not to exceed 35.68 F.T.E.) \$2,550,992

SECTION 4.480. — To the Department of Transportation

For Multimodal Operations

Funds are to be transferred out of the State Treasury to the State Road Fund for providing professional and technical services and administrative support of the multimodal program

From Multimodal Operations Federal Fund (0126) \$167,000

From Railroad Expense Fund (0659)..... 690,000

From State Transportation Fund (0675) 70,000

From Aviation Trust Fund (0952)..... 151,134

Total..... \$1,078,134

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SECTION 4.485. — To the Department of Transportation
 For Multimodal Operations
 For loans from the State Transportation Assistance Revolving Fund to political subdivisions of the state or to public or private not-for-profit organizations or entities in accordance with Section 226.191, RSMo
 From State Transportation Assistance Revolving Fund (0841)..... \$1,000,000

SECTION 4.490. — To the Department of Transportation
 For the Transit Program
 For distributing funds to urban, small urban, and rural transportation systems
 From State Transportation Fund (0675) \$1,710,875

SECTION 4.495. — To the Department of Transportation
 For the Transit Program
 For locally matched capital improvement grants under Sections 5310 and 5317, Title 49, United States Code to assist private, non-profit organizations in improving public transportation for the state's elderly and people with disabilities and to assist disabled persons with transportation services beyond those required by the Americans with Disabilities Act, provided twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515 and 4.520
 From Multimodal Operations Federal Fund (0126) \$10,600,000

SECTION 4.500. — To the Department of Transportation
 For the Transit Program
 For an operating subsidy for not-for-profit transporters of the elderly, people with disabilities, and low-income individuals, provided three percent (3%) flexibility is allowed from this section to Section 4.570
 From General Revenue Fund (0101) \$1,725,522
 From State Transportation Fund (0675) 1,274,478
 Total..... \$3,000,000

SECTION 4.505. — To the Department of Transportation
 For the Transit Program
 For locally matched grants to urban and rural areas under Sections 5311, 5312 and 5316, Title 49, United States Code, provided twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515 and 4.520
 From Multimodal Operations Federal Fund (0126) \$31,450,000
 For grants to non-urbanized areas under Sections 5310, 5311, 5312 and 5340, Title 49, United States Code
 From Department of Transportation Federal Stimulus Fund (2320)..... 62,470,760
 Total..... \$93,920,760

SECTION 4.510. — To the Department of Transportation
 For the Transit Program
 For grants under Section 5309, Title 49, United States Code to assist private, non-profit organizations providing public transportation services, provided

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twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515 and 4.520
 From Multimodal Operations Federal Fund (0126)\$1,000,000

SECTION 4.515. — To the Department of Transportation
 For the Transit Program
 For grants to metropolitan areas under Section 5303, Title 49, United States Code, provided twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515 and 4.520
 From Multimodal Operations Federal Fund (0126)\$1,000,000

SECTION 4.520. — To the Department of Transportation
 For the Transit Program
 For grants to public transit providers to replace, rehabilitate, and purchase vehicles and related equipment and to construct vehicle-related facilities, provided twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515 and 4.520
 From Multimodal Operations Federal Fund (0126)\$9,900,000

SECTION 4.525. — To the Department of Transportation
 For the Light Rail Safety Program
 From Multimodal Operations Federal Fund (0126)\$505,962
 From State Transportation Fund (0675) 126,491
 Total.....\$632,453

SECTION 4.530. — To the Department of Transportation
 For the Rail Program
 For daily passenger rail service in Missouri, provided the department operate the service without incurring any further arrears or otherwise commit itself or the state to any form of debt payments to operate the service
 From General Revenue Fund (0101)\$10,850,000

SECTION 4.535. — To the Department of Transportation
 For station repairs and improvements at Missouri Amtrak stations
 From State Transportation Fund (0675)\$25,000

SECTION 4.540. — To the Department of Transportation
 For protection of the public against hazards existing at railroad crossings pursuant to Chapter 389, RSMo
 From Grade Crossing Safety Account (0290).....\$3,000,000

SECTION 4.545. — To the Department of Transportation
 For the Aviation Program
 For construction, capital improvements, and maintenance of publicly owned airfields, including land acquisition, and for printing charts and directories
 From Aviation Trust Fund (0952).....\$10,000,000

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

For the construction of a commercial terminal facility at a joint-use military and civilian airport located in a county of the third classification without a township form of government and with more than fifty-two thousand but fewer than seventy thousand inhabitants	
From General Revenue Fund (0101)	<u>1,240,250</u>
Total.....	\$11,240,250

SECTION 4.550. — To the Department of Transportation

For the Aviation Program	
For construction, capital improvements, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program	
From Multimodal Operations Federal Fund (0126)	\$45,003,657

For construction, capital improvements, operations, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to the provisions of the Coronavirus Aid, Relief, and Economic Security Act, and the Coronavirus Response and Relief Supplemental Appropriations Act	
From Department of Transportation Federal Stimulus Fund (2320).....	<u>20,370,044</u>
Total.....	\$65,373,701

SECTION 4.555. — To the Department of Transportation

For the Waterways Program	
For grants to port authorities for assistance in port planning, acquisition, or construction within the port districts, provided three percent (3%) flexibility is allowed from this section to Section 4.570	
From General Revenue Fund (0101)	\$11,620,577
From State Transportation Fund (0675)	<u>600,000</u>
Total.....	\$12,220,577

SECTION 4.560. — To the Department of Transportation

For the Federal Rail, Port and Freight Assistance Program	
From Multimodal Operations Federal Fund (0126)	\$26,000,000

SECTION 4.565. — To the Department of Transportation

For the Freight Enhancement Program	
For projects to improve connectors for ports, rail, and other non-highway transportation systems	
From State Transportation Fund (0675)	\$1,000,000

SECTION 4.570. — To the Department of Transportation

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

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Matter in bold-face type is proposed language.

PART 2

SECTION 4.600. — To the Department of Revenue and the Department of Transportation

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

SECTION 4.605. — To the Department of Transportation

In reference to Section 4.400 through and including Section 4.570 of Part 1 of this act:

No funds shall be expended for the development, implementation, advancement, construction, maintenance, or operation of toll roads on interstate highways.

PART 3

SECTION 4.700. — To the Department of Revenue and the Department of Transportation

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
4.005	15	\$687,500	0
4.015	9	\$150,000	0
4.460	14	\$987,500	0
4.461	8	\$598,000	0
4.505	7	\$450,000	0
4.505	10	\$700,000	0
4.550	15	\$500,000	0

Department of Revenue Totals

General Revenue Fund.....	\$64,346,794
Federal Funds.....	4,132,214
Other Funds.....	<u>444,316,824</u>
Total.....	\$512,795,832

Department of Transportation Totals

General Revenue Fund.....	\$95,986,350
Federal Funds.....	232,254,246
Other Funds.....	<u>2,813,946,230</u>
Total.....	\$3,142,186,826

Approved June 30, 2021

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

CCS SCS HCS HB 5

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021, and ending June 30, 2022, as follows:

PART 1

SECTION 5.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarifications of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

SECTION 5.005. — To the Office of Administration
For the Commissioner's Office, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and further provided that not more than five percent (5%) flexibility is allowed from personal service to expense and equipment

Personal Service.....	\$683,640
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,334

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Expense and Equipment.....	<u>72,380</u>
From General Revenue Fund (0101)	757,354

For the Office of Equal Opportunity, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	307,401
Expense and Equipment.....	<u>78,846</u>
From General Revenue Fund (0101)	386,247

For a study on disparities in state contracts, and for implementing solutions proposed by this study

From General Revenue Fund (0101)	<u>500,000</u>
Total (Not to exceed 15.50 F.T.E.)	\$1,643,601

***SECTION 5.006.** — To the Office of Administration
 For the purpose of funding performance incentives for high-achieving department employees

Personal Service	
From General Revenue Fund (0101)	\$103,732
From Federal and Other Funds (Various).....	<u>160,161</u>
Total.....	\$263,893

*I hereby veto \$263,893, including \$103,732 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.
 From \$103,732 to \$0 from general revenue.
 From \$160,161 to \$0 from federal and other funds.
 From \$263,893 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.008. — To the Office of Administration
 For the Commissioner’s Office
 For funding a program for low-risk offender supervision, that monitors individuals subject to pre- conviction or post-conviction supervision through a check-in system that the supervising agency or circuit can access through a secure web-based platform; a secondary objective is to establish exclusion zones and compliance levels through a platform capable of generating relevant reports; supervision of defendants when implementing Supreme Court Rule 33.01 relating to a pre-trial defendant’s right to release

From General Revenue Fund (0101)	\$2,000,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 5.010. — To the Office of Administration

For the Division of Accounting, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and further provided that no more than five percent (5%) flexibility is allowed from personal service to expense and equipment

Personal Service.....	\$3,176,037
Expense and Equipment.....	<u>132,389</u>
From General Revenue Fund (0101).....	3,308,426

For the implementation of a new enterprise resource planning system, provided that no more than five percent (5%) flexibility is allowed from personal service to expense and equipment

Personal Service.....	2,093,844
Expense and Equipment.....	<u>22,050</u>
From General Revenue (0101).....	<u>2,115,894</u>
Total (Not to exceed 100.26 F.T.E.).....	\$5,424,320

SECTION 5.015. — To the Office of Administration

For the Division of Budget and Planning, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and further provided that no more than fifteen percent (15%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,929,846
Expense and Equipment.....	<u>71,437</u>
From General Revenue Fund (0101).....	2,001,283

For census preparation

From General Revenue Fund (0101).....	<u>552,397</u>
Total (Not to exceed 29.00 F.T.E.).....	\$2,553,680

SECTION 5.020. — To the Office of Administration

For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and further provided that twenty-five percent (25%) flexibility is allowed between, and within personal service and expense and equipment within Section 5.020, provided that twenty-five percent (25%) flexibility is allowed from this section to 5.025 between the general revenue fund and provided that twenty-five percent (25%) flexibility is allowed from this section to Section 5.025 between federal funds and between other funds

For Information Technology Services Division billings

Personal Service.....	\$9,172,641
Expense and Equipment.....	<u>41,503,139</u>
From Missouri Revolving Information Technology Trust Fund (0980).....	50,675,780

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

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Matter in bold-face type is proposed language.

Personal Service.....	3,616,107
Expense and Equipment.....	<u>2,687,627</u>
From General Revenue Fund (0101)	6,303,734
Personal Service.....	4,316,051
Expense and Equipment.....	<u>2,116,934</u>
From OA Information Technology Federal Fund (0165)	6,432,985
For funding information technology security enhancements	
Personal Service.....	1,554,075
Expense and Equipment.....	<u>7,504,336</u>
From General Revenue Fund (0101)	<u>9,058,411</u>
Total (Not to exceed 311.25 F.T.E.)	\$72,470,910

SECTION 5.025. — To the Office of Administration

For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and further provided that twenty-five percent (25%) flexibility is allowed between, and within personal service and expense and equipment within Section 5.025, provided that twenty-five percent (25%) flexibility is allowed between and within departments' general revenue fund, twenty-five percent (25%) flexibility is allowed between and within departments' federal funds, and twenty-five percent (25%) flexibility is allowed between and within departments' other funds

For the Department of Elementary and Secondary Education

Personal Service.....	\$677,066
Expense and Equipment.....	<u>579,928</u>
From General Revenue Fund (0101)	1,256,994
From OA Information Technology Federal Fund (0165)	3,972,110
From State Emergency Management Federal Stimulus Fund (2335).....	32,180
From Other Funds (Various)	314,134

For the Department of Higher Education and Workforce Development

Personal Service.....	352,640
Expense and Equipment.....	<u>367,157</u>
From General Revenue Fund (0101)	719,797
From OA Information Technology Federal Fund (0165)	2,538,973
From State Emergency Management Federal Stimulus Fund (2335).....	13,194
From Other Funds (Various)	263,008

For the Department of Revenue

Personal Service.....	4,403,165
Expense and Equipment.....	<u>21,151,102</u>
From General Revenue Fund (0101)	25,554,267

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Matter in bold-face type is proposed language.

From OA Information Technology Federal Fund (0165)	2
From State Emergency Management Federal Stimulus Fund (2335)	120,677
From Other Funds (Various)	3,018,638
From Motor Vehicle Administrative Technology Fund (0696)	27,000,000
For the Office of Administration	
Personal Service	2,520,242
Expense and Equipment	<u>3,240,387</u>
From General Revenue Fund (0101)	5,760,629
From OA Information Technology Federal Fund (0165)	2
From State Emergency Management Federal Stimulus Fund (2335)	203,139
From Other Funds (Various)	547,030
For the Department of Agriculture	
Personal Service	284,986
Expense and Equipment	<u>311,688</u>
From General Revenue Fund (0101)	596,674
From OA Information Technology Federal Fund (0165)	2
From State Emergency Management Federal Stimulus Fund (2335)	44,248
From Other Funds (Various)	538,294
For the Department of Natural Resources	
Personal Service	420,778
Expense and Equipment	<u>63,171</u>
From General Revenue Fund (0101)	483,949
From OA Information Technology Federal Fund (0165)	1,888,857
From State Emergency Management Federal Stimulus Fund (2335)	46,259
From Other Funds (Various)	6,813,983
For the Department of Economic Development	
Personal Service	289,360
Expense and Equipment	<u>437,614</u>
From State Emergency Management Federal Stimulus Fund (2335)	726,974
From OA Information Technology Federal Fund (0165)	366,023
From State Emergency Management Federal Stimulus Fund (2335)	35,720
From Other Funds (Various)	895,190
For the Department of Commerce and Insurance	
Personal Service	1,025
Expense and Equipment	<u>1,000</u>
From General Revenue Fund (0101)	2,025
From Other Funds (Various)	2,737,219

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Matter in bold-face type is proposed language.

For the Department of Labor and Industrial Relations	
Personal Service.....	1
Expense and Equipment.....	<u>35,709</u>
From General Revenue Fund (0101)	35,710
From Department of Labor and Industrial Relations Administrative	
Fund (0122).....	11,298,896
From OA Information Technology Federal Fund (0165)	3,778,282
From Division of Labor Standards - Federal Fund (0186).....	7,701
From State Emergency Management Federal Stimulus Fund (2335).....	11,263
From Other Funds (Various)	40,424,127
For the Department of Public Safety	
Personal Service.....	757,124
Expense and Equipment.....	<u>474,397</u>
From General Revenue Fund (0101)	1,231,521
From OA Information Technology Federal Fund (0165)	48,670
From State Emergency Management Federal Stimulus Fund (2335).....	46,259
From Other Funds (Various)	3,951,095
For the Department of Corrections	
Personal Service.....	2,380,151
Expense and Equipment.....	<u>8,489,380</u>
From General Revenue Fund (0101)	10,869,531
From OA Information Technology Federal Fund (0165)	2
From State Emergency Management Federal Stimulus Fund (2335).....	12,068
From Other Funds (Various)	250,582
For the Department of Health and Senior Services	
Personal Service.....	1,854,154
Expense and Equipment.....	<u>488,912</u>
From General Revenue Fund (0101)	2,343,066
From OA Information Technology Federal Fund (0165)	26,777,197
From State Emergency Management Federal Stimulus Fund (2335).....	27,152
From Other Funds (Various)	2,737,980
For the Department of Mental Health	
Personal Service.....	5,415,073
Expense and Equipment.....	<u>2,954,674</u>
From General Revenue Fund (0101)	8,369,747
From OA Information Technology Federal Fund (0165)	3,714,060
From State Emergency Management Federal Stimulus Fund (2335).....	88,496

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

For the Department of Social Services	
Personal Service.....	3,181,091
Expense and Equipment.....	<u>1,281,556</u>
From General Revenue Fund (0101).....	4,462,647
From OA Information Technology Federal Fund (0165).....	30,125,530
From Temporary Assistance for Needy Families Federal Fund (0199).....	7,500,017
From Other Funds (Various).....	<u>415,717</u>
Total (Not to exceed 652.25 F.T.E.).....	\$245,017,507

SECTION 5.030. — To the Office of Administration

For the Information Technology Services Division

For the centralized telephone billing system

Expense and Equipment

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

SECTION 5.035. — To the Office of Administration

Funds are to be transferred out of the State Treasury to the E-Procurement and State Technology Fund

From Missouri Revolving Information Technology Trust Fund (0980).....\$7,000,000

For receiving and expending funds for E-Procurement activities

From E-Procurement and State Technology Fund (0495).....5,000,000

Total.....\$12,000,000

SECTION 5.040. — To the Office of Administration

For the Information Technology Services Division

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

From General Revenue Fund (0101).....\$21,800,000

From E-Procurement and State Technology Fund (0495).....2,000,000

Total.....\$23,800,000

SECTION 5.045. — To the Office of Administration

For the Division of Accounting

Funds are to be transferred out of the State Treasury, such amounts as are necessary for allocation of costs to other funds in support of the implementation of a new enterprise resource planning system.

From Other Funds (Various).....\$6,000,000

SECTION 5.050. — To the Office of Administration

For the Division of Personnel, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and further provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment

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

Personal Service.....	\$2,976,560
Expense and Equipment.....	<u>93,908</u>
From General Revenue Fund (0101)	3,070,468
Personal Service.....	130,290
Expense and Equipment.....	<u>471,533</u>
From Office of Administration Revolving Administrative Trust Fund (0505).....	601,823
Personal Service.....	30,914
Expense and Equipment.....	<u>3,600</u>
From Missouri Revolving Information Technology Trust Fund (0980).....	<u>34,514</u>
Total (Not to exceed 68.97 F.T.E.)	\$3,706,805

SECTION 5.055. — To the Office of Administration
 For the Division of Personnel, for an employee suggestion program
 From General Revenue Fund (0101) \$20,000

SECTION 5.060. — To the Office of Administration
 For the Division of Purchasing and Materials Management, provided that not
 more than three percent (3%) flexibility is allowed from this section to
 Section 5.140, and further provided that no more than five percent (5%)
 flexibility is allowed between personal service and expense and equipment
 Personal Service..... \$2,116,431
 Expense and Equipment..... 77,315
 From General Revenue Fund (0101) 2,193,746

Personal Service
 From Department of Mental Health - Federal Funds (0148) 10,268
 From Job Development and Training Fund (0155) 1,310
 From Department of Labor and Industrial Relations Administrative
 Fund (0122)..... 2,665
 From DNR Cost Allocation Fund (0500)..... 6,271
 From DCI Administrative Fund (0503)..... 2,142
 From Department of Economic Development Administrative Fund (0547) 1,656
 From Agriculture Protection Fund (0970)..... 1,636
 From State Facility Maintenance and Operation Fund (0501)..... 7,015
 Total (Not to exceed 38.00 F.T.E.) \$2,226,709

SECTION 5.065. — To the Office of Administration
 For the Division of Purchasing and Materials Management
 For refunding bid and performance bonds
 From Office of Administration Revolving Administrative Trust Fund (0505) \$3,000,000

SECTION 5.070. — To the Office of Administration
 For the Division of Facilities Management, Design and Construction Asset
 Management

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

For authority to spend donated funds to support renovations and operations of the Governor's Mansion	
From State Facility Maintenance and Operation Fund (0501).....	\$60,000
SECTION 5.075. — To the Office of Administration	
For the Division of Facilities Management, Design and Construction Asset Management	
For any and all expenditures necessary for funding the operations of the Board of Public Buildings, state-owned and leased office buildings, institutional facilities, laboratories, and support facilities, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$20,964,724
Expense and Equipment.....	<u>31,041,790</u>
From State Facility Maintenance and Operation Fund (0501)	
(Not to exceed 484.25 F.T.E.).....	\$52,006,514
SECTION 5.080. — To the Office of Administration	
For the Division of Facilities Management, Design and Construction Asset Management	
For funding expenditures associated with the State Capitol Commission Expense and Equipment	
From State Capitol Commission Fund (0745).....	\$25,000
SECTION 5.085. — To the Board of Public Buildings	
For the Office of Administration	
For the Division of Facilities Management, Design and Construction Asset Management	
For modifications, replacement, repair costs, and other support services at state-operated facilities or institutions when recovery is obtained from a third party including energy rebates or disaster recovery	
From State Facility Maintenance and Operation Fund (0501).....	\$2,000,000
SECTION 5.090. — To the Office of Administration	
For the Division of General Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and further provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$955,395
Expense and Equipment.....	<u>64,501</u>
From General Revenue Fund (0101).....	1,019,896
Personal Service.....	3,063,835
Expense and Equipment.....	<u>979,728</u>
From Office of Administration Revolving Administrative Trust Fund (0505).....	<u>4,043,563</u>
Total (Not to exceed 103.00 F.T.E.).....	\$5,063,459

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SECTION 5.095. — To the Office of Administration
 For the Division of General Services
 For the operation of the State Agency for Surplus Property

Personal Service.....	\$902,607
Expense and Equipment.....	646,070
From Federal Surplus Property Fund (0407) (Not to exceed 21.00 F.T.E.)	\$1,548,677

SECTION 5.100. — To the Office of Administration
 For the Division of General Services
 For the Fixed Price Vehicle Program
 Expense and Equipment
 From Federal Surplus Property Fund (0407) \$1,495,994

SECTION 5.105. — To the Office of Administration
 Funds are to be transferred out of the State Treasury to the Department of
 Social Services for the heating assistance program, as provided by Section
 34.032, RSMo
 From Federal Surplus Property Fund (0407) \$30,000

SECTION 5.110. — To the Office of Administration
 For the Division of General Services
 For the disbursement of surplus property sales receipts
 From Proceeds of Surplus Property Sales Fund (0710) \$299,894

SECTION 5.115. — To the Office of Administration
 Funds are to be transferred out of the State Treasury to various state agency
 funds
 From Proceeds of Surplus Property Sales Fund (0710) \$3,000,000

SECTION 5.120. — To the Office of Administration
 Funds are to be transferred out of the State Treasury to the State Property
 Preservation Fund
 From Other Funds (Various) \$25,000,000

SECTION 5.125. — To the Office of Administration
 For the Division of General Services
 For the repair or replacement of state-owned or leased facilities that have
 suffered damage from natural or man-made events or for the defeasance of
 outstanding debt secured by the damaged facilities when a notice of
 coverage has been issued by the Commissioner of Administration, as
 provided by Sections 37.410 through 37.413, RSMo
 From State Property Preservation Fund (0128)..... \$25,000,000

SECTION 5.130. — To the Office of Administration
 For the Division of General Services
 For reimbursable expenses and for the replacement or repair of damaged equipment
 when recovery is obtained from a third party

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 Matter in bold-face type is proposed language.

Expense and Equipment
From Office of Administration Revolving Administrative Trust Fund (0505)\$15,480,000

SECTION 5.135.— To the Office of Administration

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

From General Revenue Fund (0101)\$18,625,000
From Federal and Other Funds (Various)..... 15,000,000
Total.....\$33,625,000

SECTION 5.140.— To the Office of Administration

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

From General Revenue Fund (0101)\$1

SECTION 5.145.— To the Office of Administration

For the Division of General Services

For the payment of claims and expenses as provided by Section 105.711 et seq., RSMo, and for purchasing insurance against any or all liability of the State of Missouri or any agency, officer, or employee thereof

From State Legal Expense Fund (0692)\$100,000,150

SECTION 5.150.— To the Office of Administration

For the Administrative Hearing Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and further provided that no more than twenty percent (20%) flexibility is allowed between personal service and expense and equipment

Personal Service.....\$1,033,702
Annual salary adjustment in accordance with Section 105.005, RSMo..... 4,732
Expense and Equipment..... 62,570
From General Revenue Fund (0101) 1,101,004

Personal Service..... 78,905
Annual salary adjustment in accordance with Section 105.005, RSMo..... 789
From Administrative Hearing Commission Educational Due Process Hearing Fund (0818)..... 79,694

Personal Service..... 116,150
Expense and Equipment..... 82,800
From Missouri Veterans Health and Care Fund (0606) 198,950
Total (Not to exceed 18.50 F.T.E.)\$1,379,648

SECTION 5.155.— To the Office of Administration

For funding the Office of Child Advocate, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and

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

Personal Service.....	\$237,899
Expense and Equipment.....	<u>8,173</u>
From General Revenue Fund (0101)	246,072
Personal Service.....	135,080
Expense and Equipment.....	<u>15,037</u>
From Office of Administration - Federal Fund (0135)	150,117
Total (Not to exceed 6.00 F.T.E.).....	\$396,189

SECTION 5.160. — To the Office of Administration

For the administrative, promotional, and programmatic costs of the Children's Trust Fund Board as provided by Section 210.173, RSMo, provided that no more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and twenty-five percent (25%) flexibility between expense and equipment and program disbursements

Personal Service.....	\$295,534
Expense and Equipment.....	813,202
For Program Disbursements	<u>2,600,000</u>
From Children's Trust Fund (0694) (Not to exceed 5.00 F.T.E.)	\$3,708,736

SECTION 5.165. — To the Office of Administration

For funding the Governor's Council on Disability, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.140, and further provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$189,119
Expense and Equipment.....	<u>25,318</u>
From General Revenue Fund (0101) (Not to exceed 4.00 F.T.E.)	\$214,437

SECTION 5.170. — To the Office of Administration

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

Personal Service.....	\$727,244
Expense and Equipment.....	<u>47,500</u>
From Office of Administration Revolving Administrative Trust Fund (0505) (Not to exceed 14.00 F.T.E.).....	\$774,744

SECTION 5.175. — To the Office of Administration

For the Missouri Ethics Commission, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,276,763
Expense and Equipment.....	<u>295,766</u>
From General Revenue Fund (0101) (Not to exceed 24.00 F.T.E.)	\$1,572,529

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SECTION 5.180. — To the Office of Administration
For the Division of Accounting
For payment of rent by the state for state agencies occupying Board of Public Buildings revenue bond financed buildings. Funds are to be used for principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings bonds

From General Revenue Fund (0101)	\$60,287,732
From Facilities Maintenance Reserve Fund (0124).....	12,627,082
Total.....	\$72,914,814

SECTION 5.185. — To the Office of Administration
For the Division of Accounting
For annual fees, arbitrage rebate, refunding, defeasance, and related expenses of House Bill 5 debt

From General Revenue Fund (0101)	\$30,654
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SECTION 5.190. — To the Office of Administration
For the Division of Accounting
For payment of the state's lease/purchase debt requirements

From State Facility Maintenance and Operation Fund (0501).....	\$2,413,007
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SECTION 5.195. — To the Office of Administration
For the Division of Accounting
For MOHEFA debt service and all related expenses associated with the Series 2011 MU-Columbia Arena project bonds

From General Revenue Fund (0101)	\$2,526,625
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SECTION 5.200. — To the Office of Administration
For the Division of Accounting
For debt service and all related expenses associated with the State Historical Society Project bonds issued through the Missouri Development Finance Board

From General Revenue Fund (0101)	\$2,311,094
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SECTION 5.205. — To the Office of Administration
For transferring funds to the Fulton State Hospital Bond Fund for debt payments on bonds issued by the Missouri Development Finance Board pursuant to a finance agreement between the Missouri Development Finance Board, Office of Administration, and Department of Mental Health for a project to replace Fulton State Hospital, not to exceed \$220 million in total bonding principal and for related expenses

From General Revenue Fund (0101)	\$12,335,263
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SECTION 5.210. — To the Office of Administration
For the Division of Accounting
For debt service related to the Fulton State Hospital bonds

From Fulton State Hospital Bond Fund (0396).....	\$12,338,263
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Matter in bold-face type is proposed language.

SECTION 5.215. — To the Office of Administration
 For the Division of Facilities Management, Design and Construction
 For debt service related to guaranteed energy cost savings contracts
 From Facilities Maintenance Reserve Fund (0124).....\$2,493,303

SECTION 5.220. — To the Office of Administration
 For the Division of Accounting
 For Debt Management
 Expense and Equipment
 From General Revenue Fund (0101) \$83,300

SECTION 5.225. — To the Office of Administration
 For the Division of Accounting
 For the Bartle Hall Convention Center expansion, operations, development, or
 maintenance in Kansas City pursuant to Sections 67.638 through 67.641,
 RSMo
 From General Revenue Fund (0101)\$2,000,000

SECTION 5.230. — To the Office of Administration
 For the Division of Accounting
 For the maintenance of the Jackson County Sports Complex pursuant to Sections
 67.638 through 67.641, RSMo
 From General Revenue Fund (0101)\$3,000,000

SECTION 5.235. — To the Office of Administration
 For the Division of Accounting
 For debt service and maintenance on the Edward Jones Dome project in St.
 Louis
 From General Revenue Fund (0101)\$7,000,000

SECTION 5.240. — To the Office of Administration
 For the Division of Accounting
 For the Department of Natural Resources lease payments to the state board of
 public buildings for various state park improvements
 From State Parks Earnings Fund (0415)\$4,046,665

SECTION 5.245. — To the Office of Administration
 For the Division of Accounting
 For interest payments on federal grant monies in accordance with the Cash
 Management Improvement Act of 1990 and 1992, and any other interest or
 penalties due to the federal government
 From General Revenue Fund (0101) \$900,000
 From Office of Administration - Federal Fund (0135) 20,000
 From Federal Surplus Property Fund (0407) 20,000
 Total..... \$940,000

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 Matter in bold-face type is proposed language.

SECTION 5.247. — To the Office of Administration

For the distribution of federal funds to non-entitlement units of local government as provided in The American Recovery Plan Act

From Coronavirus Local Government Fiscal Recovery Fund (2404)\$442,164,000

SECTION 5.250. — To the Office of Administration

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

From Budget Reserve Fund and Other Funds to General Revenue

Fund (Various)\$550,000,000

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

Total.....\$650,000,000

SECTION 5.255. — To the Office of Administration

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

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

From Other Funds (Various) 100,000,000

Total.....\$650,000,000

SECTION 5.260. — To the Office of Administration

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

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

From Other Funds (Various) 500,000

Total.....\$6,000,000

SECTION 5.265. — To the Office of Administration

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

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From General Revenue Fund (0101)	\$103,025,392
From Budget Reserve Fund (0100).....	<u>15,000,000</u>
Total.....	\$118,025,392

SECTION 5.280. — To the Office of Administration

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

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

SECTION 5.285. — To the Office of Administration

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

From Other Funds (Various)	\$9,923,817
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SECTION 5.290. — To the Office of Administration

For funding statewide membership dues

From General Revenue Fund (0101)	\$222,000
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SECTION 5.295. — To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 5.295 and 5.300

From Office of Administration - Federal Fund (0135)	\$1,800,000
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SECTION 5.300. — To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 5.295 and 5.300

From Office of Administration - Federal Fund (0135)	\$6,500,000
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SECTION 5.305. — To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund (0101)	\$30,000
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SECTION 5.310. — To the Office of Administration	
For distribution of state grants to regional planning commissions and local governments as provided by Chapter 251, RSMo	
From General Revenue Fund (0101)	\$400,000
 SECTION 5.450. — To the Office of Administration	
For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section, and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.265	
From General Revenue Fund (0101)	\$85,217,000
From Federal Funds (Various)	45,213,000
From Other Funds (Various)	<u>52,262,000</u>
Total	\$182,692,000
 SECTION 5.455. — To the Office of Administration	
For the Department of Public Safety	
For transferring funds for employees of the State Highway Patrol to the OASDHI Contributions Fund, said transfers to be administered by the Office of Administration	
From State Highways and Transportation Department Fund (0644)	\$9,465,000
 SECTION 5.460. — To the Office of Administration	
For the Division of Accounting	
For the payment of OASDHI taxes for all state employees and for participating political subdivisions within the state to the Treasurer of the United States for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended, in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health and Human Services, and for administration of the agreement under Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees	
From OASDHI Contributions Fund (0702)	\$192,157,000
 SECTION 5.465. — To the Office of Administration	
For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section, and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.265	
From General Revenue Fund (0101)	\$295,689,000
From Federal Funds (Various)	118,835,703
From Other Funds (Various)	<u>90,818,000</u>
Total	\$505,342,703

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

SECTION 5.470. — To the Office of Administration
 For the Division of Accounting
 For payment of the state's contribution to the Missouri State Employees' Retirement System, including debt service and related expenses related to pension obligation bonding and/or a finance agreement between the Missouri State Employees' Retirement System and the State of Missouri, provided that no debt or finance agreement repayment shall extend beyond fiscal year 2022, and further provided that no more than \$12,335,859 shall be expended on administration of the system, excluding investment expenses
 From State Retirement Contributions Fund (0701)\$505,342,703

SECTION 5.475. — To the Office of Administration
 For the Division of Accounting
 For payment of retirement benefits to the Public School Retirement System pursuant to Section 104.342, RSMo
 From General Revenue Fund (0101) \$60,000

SECTION 5.480. — To the Office of Administration
 For the Division of Accounting
 For reimbursing the Division of Employment Security benefit account for claims paid to former state employees for unemployment insurance coverage and for related professional services, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section
 From General Revenue Fund (0101)\$2,435,534
 From Federal Funds (Various) 784,000
 From Other Funds (Various) 1,616,000
 Total.....\$4,835,534

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

SECTION 5.490. — To the Office of Administration
 For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section, and further provided that not more than twenty- five (25%) flexibility is allowed from this section to Section 5.265
 From General Revenue Fund (0101)\$299,125,017
 From Federal Funds (Various) 137,463,482

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

From Other Funds (Various)	71,102,841
Total.....	\$507,691,340

SECTION 5.495. — To the Office of Administration

For the Division of Accounting

For payment of the state's contribution to the Missouri Consolidated Health Care Plan, provided that no more than \$8,591,546 shall be expended on administration of the plan, excluding third-party administrator fees

From Missouri Consolidated Health Care Plan Benefit Fund (0765)	\$507,691,340
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SECTION 5.500. — To the Office of Administration

For the Division of Accounting

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

From General Revenue Fund (0101)	\$36,000
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SECTION 5.505. — To the Office of Administration

For the Division of Accounting

For providing voluntary life insurance

From Missouri State Employees' Voluntary Life Insurance Fund (0910)	\$3,900,000
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SECTION 5.510. — To the Office of Administration

For the Division of Accounting

For employee medical expense reimbursements reserve

From General Revenue Fund (0101)	\$1
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SECTION 5.515. — To the Office of Administration

For the Division of Accounting

Personal Service for state payroll contingency

From General Revenue Fund (0101)	\$36,000
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SECTION 5.520. — To the Office of Administration

For the Division of General Services

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

From General Revenue Fund (0101)	\$37,934,152
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From Conservation Commission Fund (0609)	1,200,000
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Total.....	\$39,134,152
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SECTION 5.525. — To the Office of Administration

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

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From Federal Funds (Various)	\$5,016,792
From Other Funds (Various)	<u>3,949,150</u>
Total.....	\$8,965,942

SECTION 5.530. — To the Office of Administration
 For the Division of General Services
 For workers' compensation tax payments pursuant to Section 287.690, RSMo

From General Revenue Fund (0101)	\$3,165,000
From Conservation Commission Fund (0609)	<u>125,000</u>
Total.....	\$3,290,000

PART 2

SECTION 5.600. — To the Office of Administration
 In reference to all sections in Part 1 of this act:
 No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

PART 3

SECTION 5.700. — To the Office of Administration

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
5.005	19	\$500,000	0
5.015	11	\$290,880	0
5.025	17	\$32,180	0
5.025	24	\$13,194	0
5.025	31	\$120,677	0
5.025	39	\$203,139	0
5.025	46	\$44,248	0
5.025	53	\$46,259	0
5.025	60	\$35,720	0
5.025	75	\$11,263	0
5.025	82	\$46,259	0
5.025	89	\$12,068	0
5.025	96	\$27,152	0
5.025	103	\$88,496	0
5.247	4	\$442,164,000	0
5.265	7	\$95,545,250	0

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

Office of Administration Totals

General Revenue Fund.....	\$339,066,222
Federal Funds.....	538,529,179
Other Funds.....	<u>141,570,185</u>
Total.....	\$1,019,165,586

Employee Benefits Totals

General Revenue Fund.....	\$723,661,704
Federal Funds.....	302,296,185
Other Funds.....	<u>230,588,841</u>
Total.....	\$1,256,546,730

Approved June 30, 2021

CCS SCS HCS HB 6

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2021, and ending June 30, 2022, as follows:

PART 1

SECTION 6.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall

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

state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

SECTION 6.005. — To the Department of Agriculture
 For the Office of the Director, provided that three percent (3%) flexibility is allowed from this section to Section 6.135

Expense and Equipment	
From General Revenue Fund (0101)	\$50,000
For the Office of the Director, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	210,624
Annual salary adjustment in accordance with Section 105.005, RSMo.....	3
Expense and Equipment.....	<u>1,184,186</u>
From Department of Agriculture Federal Fund (0133).....	1,394,813
Expense and Equipment	
From Department of Agriculture Federal Stimulus Fund (2395).....	20,000
Personal Service.....	628,277
Annual salary adjustment in accordance with Section 105.005, RSMo.....	493
Expense and Equipment.....	<u>117,555</u>
From Agriculture Protection Fund (0970).....	746,325
Personal Service.....	24,513
Annual salary adjustment in accordance with Section 105.005, RSMo.....	94
Expense and Equipment.....	<u>2,494</u>
From Animal Care Reserve Fund (0295).....	27,101
Personal Service.....	24,549
Expense and Equipment.....	<u>2,500</u>
From Animal Health Laboratory Fee Fund (0292).....	27,049
Personal Service.....	71,479
Expense and Equipment.....	<u>5,192</u>
From Grain Inspection Fee Fund (0647)	76,671

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

Personal Service.....	19,059
Expense and Equipment.....	<u>1,548</u>
From Missouri Land Survey Fund (0668).....	20,607
Personal Service.....	41,042
Expense and Equipment.....	<u>3,159</u>
From Missouri Wine and Grape Fund (0787)	44,201
Personal Service.....	80,484
Expense and Equipment.....	<u>6,178</u>
From Petroleum Inspection Fund (0662)	86,662
Personal Service.....	92,687
Annual salary adjustment in accordance with Section 105.005, RSMo.....	700
Expense and Equipment.....	<u>7,284</u>
From State Fair Fee Fund (0410)	100,671
For refunds of erroneous receipts due to errors in application for licenses, registrations, permits, certificates, subscriptions, or other fees	
From Agriculture Protection Fund (0970).....	<u>13,500</u>
Total (Not to exceed 21.10 F.T.E.)	\$2,607,600

***SECTION 6.006.** — To the Department of Agriculture

For the purpose of funding performance incentives for high achieving
department employees
Personal Service

From General Revenue Fund (0101)	\$10,470
From Federal and Other Funds (Various).....	<u>41,343</u>
Total.....	\$51,813

*I hereby veto \$51,813, including \$10,470 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.

From \$10,470 to \$0 from general revenue.

From \$41,343 to \$0 from federal and other funds.

From \$51,813 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.010. — To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Veterinary
Student Loan Payment Fund

From Lottery Proceeds Fund (0291).....	\$120,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

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

SECTION 6.020. — To the Department of Agriculture
 For the Agriculture Business Development Division, provided that three percent
 (3%) flexibility is allowed from this section to Section 6.135
 Personal Service..... \$45,412
 Expense and Equipment..... 731,500
 From General Revenue Fund (0101) 776,912

For the Agriculture Business Development Division, provided that twenty-five
 percent (25%) flexibility is allowed between funds and no flexibility is
 allowed between personal service and expense and equipment
 Personal Service..... 65,810
 Expense and Equipment..... 423,886
 From Department of Agriculture Federal Fund (0133) 489,696

Personal Service..... 4,280
 Expense and Equipment..... 76,735
 From Agriculture Business Development Fund (0683) 81,015

Personal Service..... 15,150
 Expense and Equipment..... 275,638
 From AgriMissouri Fund (0897)..... 290,788

Personal Service..... 1,295,217
 Expense and Equipment..... 424,118
 From Agriculture Protection Fund (0970)..... 1,719,335

For the Governor's Conference on Agriculture
 From Agriculture Business Development Fund (0683) 75,000

For urban and non-traditional agriculture
 From Agriculture Protection Fund (0970)..... 25,000

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

For an apiary program
 From General Revenue Fund (0101) 60,000

For supporting farmers' markets, apiary programs, and other economic
 development initiatives that work to reduce food insecurity in areas which
 have been designated an urbanized area by the United States Census Bureau
 From General Revenue Fund (0101) 400,000

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

For applying for a grant under the United States Department of Agriculture's Senior farmers' market nutrition program, and applying for a grant and submitting a state plan under that United States department's Women, Infants and Children farmers' market nutrition program, for the purpose of providing low-income seniors and pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk with vouchers or other approved and acceptable methods of payment including, but not limited to, electronic cards that may be used to purchase eligible foods at farmers' markets	
From General Revenue Fund (0101)	101,268
From Department of Agriculture Federal Fund (0133)	235,070
For the Abattoir Program	
From General Revenue Fund (0101)	<u>1</u>
Total (Not to exceed 28.51 F.T.E.)	\$4,304,085
SECTION 6.025. — To the Department of Agriculture	
For the Agriculture Business Development Division	
For the Missouri Grown Program	
Personal Service.....	\$39,363
Expense and Equipment.....	<u>218,756</u>
From Agriculture Protection Fund (0970) (Not to exceed 0.97 F.T.E.).....	\$258,119
SECTION 6.030. — To the Department of Agriculture	
For the Agriculture Business Development Division	
For the Wine and Grape Program, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$283,793
Expense and Equipment.....	<u>1,598,695</u>
From Missouri Wine and Grape Fund (0787) (Not to exceed 5.00 F.T.E.).....	\$1,882,488
SECTION 6.035. — To the Department of Agriculture	
For the Agriculture Business Development Division	
For the Agriculture and Small Business Development Authority, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$124,963
Expense and Equipment.....	<u>9,264</u>
From Single-Purpose Animal Facilities Loan Program Fund (0408)	134,227
Personal Service.....	12,042
Expense and Equipment.....	<u>2,000</u>
From Livestock Feed and Crop Input Loan Program Fund (0978).....	14,042
Expense and Equipment	
From Agricultural Product Utilization Grant Fund (0413)	<u>100</u>
Total (Not to exceed 3.20 F.T.E.).....	\$148,369

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

SECTION 6.040. — To the Department of Agriculture
 Funds are to be transferred out of the State Treasury to the Single-Purpose Animal Facilities Loan Guarantee Fund, provided that one hundred percent (100%) flexibility is allowed between Sections 6.040, 6.050, and 6.060, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135
 From General Revenue Fund (0101) \$5,000

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

SECTION 6.050. — To the Department of Agriculture
 Funds are to be transferred out of the State Treasury to the Agricultural Product Utilization and Business Development Loan Guarantee Fund, provided that one hundred percent (100%) flexibility is allowed between Sections 6.040, 6.050, and 6.060, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135
 From General Revenue Fund (0101) \$15,000

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

SECTION 6.060. — To the Department of Agriculture
 Funds are to be transferred out of the State Treasury to the Livestock Feed and Crop Input Loan Guarantee Fund, provided that one hundred percent (100%) flexibility is allowed between Sections 6.040, 6.050, and 6.060, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135
 From General Revenue Fund (0101) \$5,000

SECTION 6.065. — To the Department of Agriculture
 For loan guarantees for loans administered by the Missouri Agricultural and Small Business Development Authority for the purpose of financing the purchase of livestock feed used to produce livestock and input used to produce crops for the feeding of livestock, provided that the appropriation may not exceed \$2,000,000
 From Livestock Feed and Crop Input Loan Guarantee Fund (0914) \$50,000

SECTION 6.070. — To the Department of Agriculture
 For the Agriculture Business Development Division
 For the Agriculture Development Program
 Personal Service..... \$81,206
 Expense and Equipment..... 41,744
 From Agriculture Development Fund (0904) 122,950

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

For all monies in the Agriculture Development Fund for investments, reinvestments,
and for emergency agricultural relief and rehabilitation as provided by law
From Agriculture Development Fund (0904) 100,000
Total (Not to exceed 1.60 F.T.E.) \$222,950

SECTION 6.075. — To the Department of Agriculture
For the Missouri Dairy Industry Revitalization Act
From Missouri Dairy Industry Revitalization Fund (0414) \$25,000

SECTION 6.080. — To the Department of Agriculture
For the Division of Animal Health, provided that three percent (3%) flexibility
is allowed from this section to Section 6.135
Personal Service..... \$3,116,353
Expense and Equipment..... 1,360,709
From General Revenue Fund (0101) 4,477,062

For the Division of Animal Health, provided that twenty-five percent (25%)
flexibility is allowed between funds and no flexibility is allowed between
personal service and expense and equipment
Personal Service..... 1,214,149
Expense and Equipment..... 836,933
From Department of Agriculture Federal Fund (0133) 2,051,082

Personal Service..... 113,062
Expense and Equipment..... 967,050
From Animal Health Laboratory Fee Fund (0292) 1,080,112

Personal Service..... 489,023
Expense and Equipment..... 185,956
From Animal Care Reserve Fund (0295) 674,979

Personal Service
From Livestock Brands Fund (0299) 118

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

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

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

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

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

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

For expenses incurred in regulating Missouri livestock markets From Livestock Sales and Markets Fees Fund (0581)	30,690
For processing livestock market bankruptcy claims From Agriculture Bond Trustee Fund (0756)	129,000
For contributions, gifts, and grants in support of relief efforts to reduce the suffering of abandoned animals From State Institutions Gift Trust Fund (0925).....	5,000
For support, workforce assistance, equipment and capital improvements to meat processing facilities located in the state who employ less than 200 employees in the state to address supply chain disruptions and mitigate health and environmental impacts as a result of the COVID-19 pandemic and for the implementation of programs for other livestock value added products From State Emergency Management Federal Stimulus Fund (2335).....	<u>20,000,000</u>
Total (Not to exceed 92.47 F.T.E.)	\$28,546,203

SECTION 6.085. — To the Department of Agriculture

For the Division of Animal Health

For indemnity payments and for indemnifying producers and owners of livestock and poultry for preventing the spread of disease during emergencies declared by the State Veterinarian, subject to the approval by the Department of Agriculture of a state match rate up to fifty percent (50%), provided that three percent (3%) flexibility is allowed from this section to Section 6.135 From General Revenue Fund (0101)	\$10,000
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SECTION 6.090. — To the Department of Agriculture

For the Division of Grain Inspection and Warehousing, provided that five
percent (5%) flexibility is allowed between personal service and expense
and equipment, and further provided that three percent (3%) flexibility is
allowed from this section to Section 6.135

Personal Service.....	\$715,417
Expense and Equipment.....	<u>85,998</u>
From General Revenue Fund (0101)	801,415

For the Division of Grain Inspection and Warehousing, provided that twenty-
five percent (25%) flexibility is allowed between funds, and five percent
(5%) flexibility is allowed between personal service and expense and
equipment

Personal Service.....	38,197
Expense and Equipment.....	<u>36,211</u>
From Department of Agriculture Federal Fund (0133).....	74,408
Personal Service.....	67,408
Expense and Equipment.....	<u>31,651</u>
From Commodity Council Merchandising Fund (0406)	99,059

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Matter in bold-face type is proposed language.

Personal Service.....	2,318,179
Expense and Equipment.....	<u>604,694</u>
From Grain Inspection Fee Fund (0647)	2,922,873
Expense and Equipment	
From Agriculture Protection Fund (0970)	<u>85,000</u>
Total (Not to exceed 82.00 F.T.E.)	\$3,982,755
SECTION 6.095. — To the Department of Agriculture	
For the Division of Grain Inspection and Warehousing	
For the Missouri Aquaculture Council	
From Aquaculture Marketing Development Fund (0573)	\$7,000
For research, promotion, and market development of apples	
From Apple Merchandising Fund (0615)	7,000
For the Missouri Wine Marketing and Research Council	
From Missouri Wine Marketing and Research Development Fund (0855)	<u>60,000</u>
Total.....	\$74,000
SECTION 6.100. — To the Department of Agriculture	
For the Division of Plant Industries, provided that twenty-five percent (25%)	
flexibility is allowed between funds in this section and no flexibility is	
allowed between personal service and expense and equipment	
Personal Service.....	\$1,101,378
Expense and Equipment.....	<u>1,280,564</u>
From Department of Agriculture Federal Fund (0133)	2,381,942
Personal Service.....	254,955
Expense and Equipment.....	<u>34,112</u>
From Industrial Hemp Fund (0476)	289,067
Personal Service.....	2,365,300
Expense and Equipment.....	<u>1,295,618</u>
From Agriculture Protection Fund (0970)	3,660,918
For the design and provision of new pesticide applicator training by the	
University of Missouri Extension	
From General Revenue Fund (0101)	430,000
From State Institutions Gift Trust Fund (0925).....	100,000
For the Invasive Pest Control Program, provided that twenty-five percent (25%)	
flexibility is allowed between funds in this section and no flexibility is	
allowed between personal service and expense and equipment	
Personal Service.....	33,402
Expense and Equipment.....	<u>71,388</u>
From Department of Agriculture Federal Fund (0133).....	104,790

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Personal Service.....	141,840
Expense and Equipment.....	<u>58,000</u>
From Agriculture Protection Fund (0970)	199,840

For the Boll Weevil Eradication Program, provided that twenty-five percent (25%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	43,039
Expense and Equipment.....	<u>24,657</u>
From Boll Weevil Suppression and Eradication Fund (0823).....	<u>67,696</u>
Total (Not to exceed 81.81 F.T.E.)	\$7,234,253

SECTION 6.105. — To the Department of Agriculture

For the Division of Weights, Measures and Consumer Protection, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

Personal Service.....	\$475,714
Expense and Equipment.....	<u>66</u>
From General Revenue Fund (0101)	475,780

For the Division of Weights, Measures and Consumer Protection, provided that twenty-five percent (25%) flexibility is allowed between funds, and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	40,562
Expense and Equipment.....	<u>50,000</u>
From Department of Agriculture Federal Fund (0133)	90,562

Personal Service.....	569,198
Expense and Equipment.....	<u>588,997</u>
From Agriculture Protection Fund (0970).....	1,158,195

Personal Service.....	1,712,989
Expense and Equipment.....	<u>1,057,817</u>
From Petroleum Inspection Fund (0662)	<u>2,770,806</u>
Total (Not to exceed 68.11 F.T.E.)	\$4,495,343

SECTION 6.110. — To the Department of Agriculture

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

Personal Service.....	\$770,614
Expense and Equipment.....	<u>206,830</u>
From Missouri Land Survey Fund (0668).....	977,444

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

Personal Service.....	183,653
Expense and Equipment.....	<u>80,000</u>
From Department of Agriculture Land Survey Revolving Services Fund (0426).....	263,653

For surveying corners and for records restorations, provided that twenty-five percent (25%) flexibility is allowed between funds Expense and Equipment	
From Department of Agriculture Federal Fund (0133)	60,000
From Missouri Land Survey Fund (0668)	<u>90,000</u>
Total (Not to exceed 14.68 F.T.E.)	\$1,391,097

SECTION 6.115. — To the Department of Agriculture

For the Missouri State Fair, provided that twenty-five percent (25%) flexibility
is allowed between funds, and five percent (5%) flexibility is allowed
between personal service and expense and equipment

Personal Service.....	\$1,474,444
Expense and Equipment.....	<u>3,273,162</u>
From State Fair Fee Fund (0410)	4,747,606

Personal Service	
From Agriculture Protection Fund (0970).....	<u>564,213</u>
Total (Not to exceed 59.38 F.T.E.)	\$5,311,819

SECTION 6.120. — To the Department of Agriculture

For cash to start the Missouri State Fair

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

SECTION 6.125. — To the Department of Agriculture

For the Missouri State Fair

For equipment replacement

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

SECTION 6.130. — To the Department of Agriculture

For the State Milk Board, provided that five percent (5%) flexibility is allowed
between personal service and expense and equipment, and further provided
that three percent (3%) flexibility is allowed from this section to Section 6.135

Personal Service.....	\$111,826
Expense and Equipment.....	<u>852</u>
From General Revenue Fund (0101)	112,678

For the State Milk Board, provided that twenty-five percent (25%) flexibility is
allowed between the State Milk Board and Milk Board Local Health, and

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

five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	495,501
Expense and Equipment.....	<u>212,407</u>
From State Milk Inspection Fee Fund (0645)	707,908

For Milk Board Local Health

Expense and Equipment	
From State Milk Inspection Fee Fund (0645)	<u>736,022</u>
Total (Not to exceed 9.93 F.T.E.)	\$1,556,608

SECTION 6.135. — To the Department of Agriculture

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

From General Revenue Fund (0101)	\$1
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SECTION 6.200. — To the Department of Natural Resources

For department operations, administration, and support, provided that three percent (3%) flexibility is allowed from this section to Section 6.410

Personal Service.....	\$201,747
Annual salary adjustment in accordance with Section 105.005, RSMo.....	67
Expense and Equipment.....	<u>61,856</u>
From General Revenue Fund (0101)	263,670

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

Personal Service.....	539,376
Annual salary adjustment in accordance with Section 105.005, RSMo.....	178
Expense and Equipment.....	<u>105,142</u>
From Department of Natural Resources Federal Fund (0140)	644,696

Personal Service.....	3,177,674
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,047
Expense and Equipment.....	<u>519,889</u>
From DNR Cost Allocation Fund (0500)	3,698,610

Personal Service	
From Department of Natural Resources Revolving Services Fund (0425)	45,304

For Contractual Audits

From State Park Earnings Fund (0415)	75,000
From Solid Waste Management Fund (0570)	78,000
From Soil and Water Sales Tax Fund (0614)	<u>150,000</u>
Total (Not to exceed 74.71 F.T.E.)	\$4,955,280

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

***SECTION 6.201.** — To the Department of Natural Resources

For the purpose of funding performance incentives for high-achieving department employees

Personal Service

From General Revenue Fund (0101)	\$16,222
From Federal and Other Funds (Various).....	<u>177,273</u>
Total.....	\$193,495

*I hereby veto \$193,495, including \$16,222 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.

From \$16,222 to \$0 from general revenue.

From \$177,273 to \$0 from federal and other funds.

From \$193,495 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.225. — To the Department of Natural Resources

For the Division of Environmental Quality, provided that fifteen percent (15%) flexibility is allowed between programs and/or regional offices, and fifteen percent (15%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.410

Personal Service.....	\$3,768,906
Expense and Equipment.....	<u>610,472</u>
From General Revenue Fund (0101)	4,379,378

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

Personal Service.....	13,348,801
Expense and Equipment.....	<u>2,547,095</u>
From Department of Natural Resources Federal Fund (0140)	15,895,896

Personal Service.....	1,269,090
Expense and Equipment.....	<u>112,037</u>
From DNR Cost Allocation Fund (0500)	1,381,127

Personal Service.....	32,443
Expense and Equipment.....	<u>47,302</u>
From Environmental Radiation Monitoring Fund (0656).....	79,745

Personal Service.....	2,051,521
Expense and Equipment.....	<u>235,124</u>
From Hazardous Waste Fund (0676)	2,286,645

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

Personal Service.....	1,021,404
Expense and Equipment.....	<u>80,475</u>
From Missouri Air Emission Reduction Fund (0267)	1,101,879
Personal Service.....	111,723
Expense and Equipment.....	<u>57,836</u>
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268)	169,559
Personal Service.....	283,331
Expense and Equipment.....	<u>49,983</u>
From Natural Resources Protection Fund (0555)	333,314
Personal Service.....	302,743
Expense and Equipment.....	<u>38,691</u>
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584)	341,434
Personal Service.....	3,760,838
Expense and Equipment.....	<u>586,307</u>
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594)	4,347,145
Personal Service.....	4,673,234
Expense and Equipment.....	<u>922,040</u>
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	5,595,274
Personal Service.....	2,345,949
Expense and Equipment.....	<u>961,489</u>
From Safe Drinking Water Fund (0679)	3,307,438
Personal Service.....	1,186,638
Expense and Equipment.....	<u>249,982</u>
From Soil and Water Sales Tax Fund (0614)	1,436,620
Personal Service.....	2,111,058
Expense and Equipment.....	<u>344,061</u>
From Solid Waste Management Fund (0570)	2,455,119
Personal Service.....	485,186
Expense and Equipment.....	<u>67,249</u>
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	552,435
Personal Service.....	288,830
Expense and Equipment.....	<u>27,002</u>
From Coal Combustion Residuals Subaccount (0551)	315,832

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Matter in bold-face type is proposed language.

Personal Service.....	109,690
Expense and Equipment.....	<u>41,166</u>
From Underground Storage Tank Regulation Program Fund (0586)	150,856

Personal Service.....	809,373
Expense and Equipment.....	<u>81,675</u>
From Water and Wastewater Loan Fund (0649)	<u>891,048</u>
Total (Not to exceed 758.86 F.T.E.)	\$45,020,744

SECTION 6.230. — To the Department of Natural Resources

For environmental education and studies, demonstration projects, and technical assistance grants, provided that twenty-five percent (25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	\$350,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	<u>350,000</u>
Total.....	\$700,000

SECTION 6.235. — To the Department of Natural Resources

For water infrastructure grants and loans, provided that \$224,939,825 be used solely to encumber funds for future fiscal year expenditures, and provided that twenty-five percent (25%) flexibility is allowed between funds

From Water and Wastewater Loan Fund (0649)	\$140,528,640
From Water and Wastewater Loan Revolving Fund (0602).....	382,615,896
From Water Pollution Control (37E) Funds (0330)	20,000
From Water Pollution Control (37G) Funds (0329)	10,000
From Stormwater Control (37H) Funds (0302)	10,000
From Storm Water Loan Revolving Fund (0754)	3,014,141
From Rural Water and Sewer Loan Revolving Fund (0755)	2,000,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	<u>11,750,000</u>
Total.....	\$539,948,677

SECTION 6.240. — To the Department of Natural Resources

For grants and contracts to study or reduce water pollution, improve ground water and/or surface water quality, provided that \$9,000,000 be used solely to encumber funds for future fiscal year expenditures, and provided that twenty-five percent (25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	\$16,000,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	3,300,000

For drinking water sampling, analysis, and public drinking water quality and treatment studies

From Safe Drinking Water Fund (0679)	<u>599,852</u>
Total.....	\$19,899,852

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

SECTION 6.245. — To the Department of Natural Resources
 For closure of concentrated animal feeding operations
 From Concentrated Animal Feeding Operation Indemnity Fund (0834) \$60,000

SECTION 6.250. — To the Department of Natural Resources
 For demonstration projects and technical assistance related to soil and water
 conservation
 Expense and Equipment
 From Department of Natural Resources Federal Fund (0140) \$1,000,000

For grants to local soil and water conservation districts 14,680,570
 For soil and water conservation cost-share grants..... 40,000,000
 For a conservation monitoring program 400,000
 For grants to colleges and universities for research projects on soil erosion and
 conservation 400,000
 From Soil and Water Sales Tax Fund (0614)..... 55,480,570
 Total.....\$56,480,570

SECTION 6.255. — To the Department of Natural Resources
 For grants and contracts for air pollution control activities, provided that
 twenty-five percent (25%) flexibility is allowed between funds
 From Department of Natural Resources Federal Fund (0140) \$1,000,000
 From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount
 (0594) 100,000

For grants and contracts for air pollution control activities in accordance with the
 department's beneficiary mitigation plan dated August 6, 2018
 From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) 13,500,000
 Total.....\$14,600,000

SECTION 6.260. — To the Department of Natural Resources
 Funds are to be transferred out of the State Treasury to the Hazardous Waste
 Fund
 From General Revenue Fund (0101) \$1,985,257

SECTION 6.265. — To the Department of Natural Resources
 For the cleanup of hazardous waste or substances
 From Department of Natural Resources Federal Fund (0140) \$1,100,000
 From Hazardous Waste Fund (0676)..... 2,803,944
 Total.....\$3,903,944

SECTION 6.270. — To the Department of Natural Resources
 For implementation provisions of the Solid Waste Management Law in
 accordance with Sections 260.250 through 260.345, RSMo
 From Solid Waste Management Fund (0570)..... \$7,998,820
 From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 2,000,000

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For grants to Solid Waste Management Districts for funding community-based reduce, reuse, and recycle grants	
From Solid Waste Management Fund (0570).....	<u>4,500,000</u>
Total.....	\$14,498,820

SECTION 6.275. — To the Department of Natural Resources

For expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, with general revenue expenditures not to exceed collections pursuant to Section 260.228, RSMo	
Personal Service.....	\$21,016
Expense and Equipment.....	<u>130,000</u>
From General Revenue Fund (0101).....	151,016

For expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	109
Expense and Equipment.....	<u>423,973</u>
From Post Closure Fund (0198).....	<u>424,082</u>
Total.....	\$575,098

SECTION 6.280. — To the Department of Natural Resources

For environmental emergency response	
From Hazardous Waste Fund (0676).....	\$450,000
For cleanup of controlled substances	
From Department of Natural Resources Federal Fund (0140)	<u>50,000</u>
Total.....	\$500,000

SECTION 6.285. — To the Department of Natural Resources

For petroleum related activities and environmental emergency response	
Personal Service.....	\$1,066,971
Expense and Equipment.....	<u>84,673</u>
From Petroleum Storage Tank Insurance Fund (0585) (Not to exceed 21.20 F.T.E.)	\$1,151,644

SECTION 6.300. — To the Department of Natural Resources

For the Missouri Geological Survey, provided that three percent (3%) flexibility is allowed from this section to Section 6.410	
Personal Service.....	\$2,429,042
Expense and Equipment.....	<u>1,021,887</u>
From General Revenue Fund (0101).....	3,450,929
For a statewide dam inspector performing inspections of non-agricultural dams	
Personal Service.....	67,151
Expense and Equipment.....	<u>8,594</u>
From General Revenue Fund (0101).....	75,745

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

Personal Service.....	1,544,939
Expense and Equipment.....	<u>413,017</u>
From Department of Natural Resources Federal Fund (0140)	1,957,956
Personal Service	
From Department of Natural Resources Revolving Services Fund (0425)	17,471
Personal Service.....	613,129
Expense and Equipment.....	<u>97,405</u>
From Groundwater Protection Fund (0660).....	710,534
Personal Service.....	15,635
Expense and Equipment.....	<u>5,072</u>
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	20,707
Personal Service.....	181,167
Expense and Equipment.....	<u>9,480</u>
From Solid Waste Management Fund (0570).....	190,647
Personal Service.....	166,434
Expense and Equipment.....	<u>31,010</u>
From Hazardous Waste Fund (0676).....	197,444
Personal Service.....	17,731
Expense and Equipment.....	<u>4,105</u>
From DNR Cost Allocation Fund (0500).....	21,836
Personal Service.....	130,996
Expense and Equipment.....	<u>18,270</u>
From Geologic Resources Fund (0801).....	149,266
Personal Service.....	34,297
Expense and Equipment.....	<u>13,761</u>
From Metallic Minerals Waste Management Fund (0575).....	48,058
Personal Service.....	373,534
Expense and Equipment.....	<u>202,045</u>
From Mined Land Reclamation Fund (0906)	575,579
Expense and Equipment	
From Abandoned Mine Reclamation Fund (0697)	13
Personal Service.....	7,868
Expense and Equipment.....	<u>7,625</u>
From Oil and Gas Remedial Fund (0699)	15,493

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Personal Service.....	90,932
Expense and Equipment.....	<u>12,006</u>
From Oil and Gas Resources Fund (0543).....	102,938
Personal Service.....	59,525
Expense and Equipment.....	<u>5,401</u>
From Coal Combustion Residuals Subaccount (0551).....	64,926
Personal Service.....	10,787
Expense and Equipment.....	<u>2,000</u>
From Natural Resources Protection Fund (0555).....	12,787
Personal Service.....	93,516
Expense and equipment.....	<u>3,902</u>
From Multipurpose Water Resource Program Fund (0815).....	97,418
Total (Not to exceed 116.42 F.T.E.).....	<u>\$7,709,747</u>

SECTION 6.305. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Mined Land Reclamation Fund, provided that three percent (3%) flexibility is allowed from this section to Section 6.410

From General Revenue Fund (0101).....	\$200,000
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SECTION 6.310. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Multipurpose Water Resource Program Fund

From General Revenue Fund (0101).....	\$16,937,310
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For the Multipurpose Water Resource Program

From Multipurpose Water Resource Program Fund (0815).....	17,687,310
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For a drought response plan, water supply availability studies, watershed feasibility studies and related efforts to protect Missouri's water supply interests

From General Revenue Fund (0101).....	<u>924,920</u>
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Total.....	<u>\$35,549,540</u>
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SECTION 6.315. — To the Department of Natural Resources

For bond forfeiture funds for the reclamation of mined land

From Mined Land Reclamation Fund (0906).....	\$350,000
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For the reclamation of abandoned mined lands

From Department of Natural Resources Federal Fund (0140).....	3,732,500
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For contracts for hydrologic studies to assist small coal operators to meet permit requirements

From Department of Natural Resources Federal Fund (0140).....	<u>1,000</u>
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Total.....	<u>\$4,083,500</u>
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SECTION 6.320. — To the Department of Natural Resources
 For expense and equipment in accordance with the provisions of Section 259.190, RSMo
 From Oil and Gas Remedial Fund (0699)..... \$150,000

SECTION 6.325. — To the Department of Natural Resources
 Funds are to be transferred out of the State Treasury to the Missouri Water Development Fund, provided that three percent (3%) flexibility is allowed from this section to Section 6.410
 From General Revenue Fund (0101)..... \$477,098

SECTION 6.330. — To the Department of Natural Resources
 For interest, operations, and maintenance in accordance with the Clarence Cannon Water Contract
 From Missouri Water Development Fund (0174)..... \$477,098

SECTION 6.340. — To the Department of Natural Resources
 For the Division of Energy, provided that fifty percent (50%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,265,498
Expense and Equipment.....	434,299
From Department of Natural Resources Federal Fund (0140)	1,699,797
Personal Service.....	731,294
Expense and Equipment.....	154,580
From Energy Set-Aside Program Fund (0667).....	885,874
Personal Service	
From DNR Cost Allocation Fund (0500).....	66,833
Personal Service.....	79,846
Expense and Equipment.....	20,000
From Energy Futures Fund (0935).....	99,846
Total (Not to exceed 36.00 F.T.E.)	\$2,752,350

SECTION 6.341. — To the Department of Natural Resources
 For the Division of Energy
 For The Municipal Utility Emergency Loan Program
 For an interest free loan program for municipal utilities for wholesale electricity and natural gas costs incurred as a result of extraordinary prices between 02/10/21 and 02/20/21, to be loaned on a first-come first-served basis to any natural gas or electric municipal utility established pursuant to Chapter 91 RSMo or any municipal utility commission established pursuant to 393.700 RSMo, with a payback period of no more than five years
 From Utility Revolving Fund (0874)..... \$50,000,000

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 Matter in bold-face type is proposed language.

SECTION 6.345. — To the Department of Natural Resources	
For the promotion of energy, renewable energy, and energy efficiency, provided that \$18,000,000 be used solely to encumber funds for future fiscal year expenditures	
From Department of Natural Resources Federal Fund (0140)	\$11,100,800
From Energy Set-Aside Program Fund (0667).....	22,000,000
From Energy Futures Fund (0935).....	4,000,000
From Utilicare Stabilization Fund (0134).....	100
For the Low-Income Weatherization Assistance Program	
From Department of Natural Resources Federal Fund (0140)	9,719,852
From Department of Natural Resources Federal Stimulus Fund (2365)	<u>1,996,764</u>
Total.....	\$48,817,516
 SECTION 6.350. — To the Department of Natural Resources	
For the Wood Energy Tax Credit Program	
For the redemption of tax credits authorized on or before June 30, 2020, under Sections 135.300 through 135.311, RSMo, provided that three percent (3%) flexibility is allowed from this section to Section 6.410	
From General Revenue Fund (0101)	\$1,500,000
 SECTION 6.355. — To the Department of Natural Resources	
For Missouri State Parks	
For State Parks operations, provided that five percent (5%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$121,478
Expense and Equipment.....	<u>31,306</u>
From Department of Natural Resources Federal Fund (0140)	152,784
Personal Service.....	1,286,848
Expense and Equipment.....	<u>3,330,407</u>
From State Park Earnings Fund (0415)	4,617,255
Personal Service.....	982,166
Expense and Equipment.....	<u>68,159</u>
From DNR Cost Allocation Fund (0500).....	1,050,325
Personal Service.....	22,366,314
Expense and Equipment.....	<u>10,685,751</u>
From Parks Sales Tax Fund (0613).....	33,052,065
Personal Service.....	60,202
Expense and Equipment.....	<u>75,000</u>
From Doctor Edmund A. Babler Memorial State Park Fund (0911)	135,202
Expense and Equipment	
From Meramec-Onondaga State Parks Fund (0698).....	85,000

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For state park support activities and grants and/or loans for recreational purposes, provided that \$17,800,000 be used solely to encumber funds for future fiscal year expenditures

From Department of Natural Resources Federal Fund (0140)	26,050,000
Levy District Payments	15,000
Payment in Lieu of Taxes	20,000
Bruce R. Watkins Center Expense and Equipment.....	100,000
Bruce R. Watkins Center for a strategic plan and programming that commemorates and interprets the African-American dispora through fostering educational and cultural programs regarding the past, present and contemporary contributions of African-Americans who served to shape the city and state's history and culture	150,000
From Parks Sales Tax Fund (0613).....	285,000
Parks Concession Personal Service	56,382
Parks Concession Expense and Equipment	199,350
Gifts to Parks Expense and Equipment	750,000
Parks Resale Expense and Equipment	1,100,000
State Park Grants Expense and Equipment.....	450,000
From State Park Earnings Fund (0415)	2,555,732
Total (Not to exceed 660.21 F.T.E.)	\$67,983,363

SECTION 6.360. — To the Department of Natural Resources

For Historic Preservation Operations, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service	\$431,099
Expense and Equipment	50,026
From Department of Natural Resources Federal Fund (0140)	481,125
Personal Service.....	214,573
Expense and Equipment.....	31,314
From Historic Preservation Revolving Fund (0430)	245,887
Personal Service.....	108,960
Expense and Equipment.....	10,853
From Economic Development Advancement Fund (0783).....	119,813
For historic preservation grants and contracts, provided that twenty-five percent (25%) flexibility is allowed between funds	
From Department of Natural Resources Federal Fund (0140)	600,000
From Historic Preservation Revolving Fund (0430)	1,000,000
Total (Not to exceed 17.25 F.T.E.)	\$2,446,825

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Matter in bold-face type is proposed language.

SECTION 6.365.— To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Historic Preservation Revolving Fund, provided that three percent (3%) flexibility is allowed from this section to Section 6.410

From General Revenue Fund (0101) \$1,006,859

SECTION 6.370.— To the Department of Natural Resources

For expenditures of payments received for damages to the state's natural resources, provided that twenty-five percent (25%) flexibility is allowed between funds
Expense and Equipment

From Natural Resources Protection Fund (0555) \$4,300,000

From Natural Resources Protection Fund - Water Pollution Permit Fee

Subaccount (0568) 100,000

Total \$4,400,000

SECTION 6.375.— To the Department of Natural Resources

Expense and Equipment

From Department of Natural Resources Revolving Services Fund (0425) \$2,421,745

SECTION 6.380.— To the Department of Natural Resources

For refunds, provided that seventy-five percent (75%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140) \$9,445

From Missouri Air Emission Reduction Fund (0267) 16,038

From State Park Earnings Fund (0415) 84,946

From Department of Natural Resources Revolving Services Fund (0425) 1,419

From Historic Preservation Revolving Fund (0430) 165

From DNR Cost Allocation Fund (0500) 3,478

From Oil and Gas Resources Fund (0543) 100

From Natural Resources Protection Fund - Water Pollution Permit Fee

Subaccount (0568) 46,982

From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 1,165

From Solid Waste Management Fund (0570) 1,165

From Metallic Minerals Waste Management Fund (0575) 165

From Natural Resources Protection Fund - Air Pollution Asbestos Fee

Subaccount (0584) 9,930

From Underground Storage Tank Regulation Program Fund (0586) 4,965

From Natural Resources Protection Fund - Air Pollution Permit Fee

Subaccount (0594) 62,082

From Water and Wastewater Loan Revolving Fund (0602) 10,498

From Parks Sales Tax Fund (0613) 25,723

From Soil and Water Sales Tax Fund (0614) 329

From Water and Wastewater Loan Fund (0649) 165

From Environmental Radiation Monitoring Fund (0656) 250

From Groundwater Protection Fund (0660) 3,165

From Energy Set-Aside Program Fund (0667) 2,204

From Hazardous Waste Fund (0676) 59,688

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From Safe Drinking Water Fund (0679)	14,726
From Abandoned Mine Reclamation Fund (0697)	165
From Oil and Gas Remedial Fund (0699)	650
From Storm Water Loan Revolving Fund (0754)	200
From Rural Water and Sewer Loan Revolving Fund (0755).....	165
From Geologic Resources Fund (0801).....	4,400
From Confederate Memorial Park Fund (0812)	165
From Concentrated Animal Feeding Operation Indemnity Fund (0834)	450
From Mined Land Reclamation Fund (0906)	10,095
From Doctor Edmund A. Babler Memorial State Park Fund (0911).....	417
From Energy Futures Fund (0935).....	<u>4,500</u>
Total.....	\$380,000

SECTION 6.385. — To the Department of Natural Resources

For sales tax on retail sales, provided that seventy-five percent (75%) flexibility is allowed between funds

From State Park Earnings Fund (0415)	\$30,000
From Department of Natural Resources Revolving Services Fund (0425)	<u>1,000</u>
Total.....	\$31,000

SECTION 6.390. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury, to the DNR Cost Allocation Fund for real property leases, related services, utilities, systems furniture, structural modifications, capital improvements and related expenses, and for the purpose of funding the consolidation of Information Technology Services, provided that five percent (5%) flexibility is allowed between DNR Cost Allocation transfer, Cost Allocation HB 13 transfer, and Cost Allocation Information Technology Services Division transfer

For Cost Allocation Transfer, provided that five percent (5%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267).....	\$238,684
From State Park Earnings Fund (0415)	445,885
From Historic Preservation Revolving Fund (0430)	28,354
From Natural Resources Protection Fund (0555)	39,886
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	1,111,064
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	118,269
From Solid Waste Management Fund (0570).....	531,883
From Metallic Minerals Waste Management Fund (0575).....	5,822
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	69,658
From Petroleum Storage Tank Insurance Fund (0585)	227,376
From Underground Storage Tank Regulation Program Fund (0586)	29,312
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	873,864
From Parks Sales Tax Fund (0613).....	3,528,474

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From Soil and Water Sales Tax Fund (0614).....	314,488
From Water and Wastewater Loan Fund (0649)	181,511
From Environmental Radiation Monitoring Fund (0656).....	9,544
From Groundwater Protection Fund (0660).....	91,275
From Energy Set-Aside Program Fund (0667).....	130,241
From Hazardous Waste Fund (0676).....	489,691
From Safe Drinking Water Fund (0679)	604,936
From Geologic Resources Fund (0801).....	19,282
From Mined Land Reclamation Fund (0906)	56,823
From Energy Futures Fund (0935).....	<u>82,442</u>
Total DNR Cost Allocation Transfer.....	9,228,764

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

From Missouri Air Emission Reduction Fund (0267).....	5,206
From State Park Earnings Fund (0415)	8,733
From Historic Preservation Revolving Fund (0430)	555
From Natural Resources Protection Fund (0555)	869
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	24,180
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	2,577
From Solid Waste Management Fund (0570).....	11,284
From Metallic Minerals Waste Management Fund (0575).....	55
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	1,518
From Petroleum Storage Tank Insurance Fund (0585)	4,734
From Underground Storage Tank Regulation Program Fund (0586).....	638
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	19,044
From Parks Sales Tax Fund (0613).....	69,119
From Soil and Water Sales Tax Fund (0614).....	6,852
From Environmental Radiation Monitoring Fund (0656).....	208
From Groundwater Protection Fund (0660).....	876
From Water and Wastewater Loan Fund (0649)	3,956
From Energy Set-Aside Program Fund (0667).....	724
From Hazardous Waste Fund (0676).....	10,364
From Safe Drinking Water Fund (0679)	13,182
From Geologic Resources Fund (0801).....	185
From Mined Land Reclamation Fund (0906)	546
From Energy Futures Fund (0935).....	<u>458</u>
Total Cost Allocation HB 13 Transfer.....	185,863

For Cost Allocation Information Technology Services Division Transfer, provided that five percent (5%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267).....	163,195
From State Park Earnings Fund (0415)	205,727

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From Historic Preservation Revolving Fund (0430)	13,082
From Natural Resources Protection Fund (0555)	27,272
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568)	762,186
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	80,864
From Solid Waste Management Fund (0570)	388,700
From Metallic Minerals Waste Management Fund (0575)	9,740
From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584)	47,627
From Petroleum Storage Tank Insurance Fund (0585)	174,553
From Underground Storage Tank Regulation Program Fund (0586)	20,042
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594)	597,483
From Parks Sales Tax Fund (0613)	1,628,004
From Soil and Water Sales Tax Fund (0614)	450,661
From Water and Wastewater Loan Fund (0649)	124,103
From Environmental Radiation Monitoring Fund (0656)	6,524
From Energy Set-Aside Program Fund (0667)	69,068
From Hazardous Waste Fund (0676)	359,718
From Safe Drinking Water Fund (0679)	413,610
From Geologic Resources Fund (0801)	32,261
From Energy Futures Fund (0935)	<u>22,273</u>
Total Cost Allocation Information Technology Services Division Transfer	<u>5,596,693</u>
Total	\$15,011,320

SECTION 6.395. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the OA Information Technology - Federal and Other Fund for the purpose of funding the consolidation of Information Technology Services

From Department of Natural Resources Federal Fund (0140) \$2,693,271

SECTION 6.400. — To the Department of Natural Resources

For the State Environmental Improvement and Energy Resources Authority
For all costs incurred in the operation of the authority, including special studies

 Personal Service

 Expense and Equipment

From State Environmental Improvement Authority Fund (0654) (Not to exceed 8.00 F.T.E.) \$1,277,386

SECTION 6.405. — To the Department of Natural Resources

For the Board of Trustees for the Petroleum Storage Tank Insurance Fund
For the general administration and operation of the fund, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment

 Personal Service

 Expense and Equipment

From Petroleum Storage Tank Insurance Fund (0585) 2,359,736

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

For investigating and paying claims obligations of the Petroleum Storage Tank Insurance Fund
 From Petroleum Storage Tank Insurance Fund (0585) 20,000,000

For refunds of erroneously collected receipts
 From Petroleum Storage Tank Insurance Fund (0585) 70,000
 Total (Not to exceed 4.00 F.T.E.) \$22,429,736

SECTION 6.410. — To the Department of Natural Resources
 Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for payment of claims, premiums, and expense as provided by Section 105.711 through 105.726, RSMo
 From General Revenue Fund (0101) \$1

***SECTION 6.600.** — To the Department of Conservation
 For Habitat Management, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625
 Personal Service \$17,172,906
 Expense and Equipment 17,033,832

For corn, cameras, and traps to further the eradication of feral hogs, provided that no funds be expended for federal employees who are not directly trapping feral hogs
 Expense and Equipment 250,000
 From Conservation Commission Fund (0609) (Not to exceed 438.02 F.T.E.) \$34,456,738

*I hereby veto \$401,548 Conservation Commission Fund for the Department of Conservation compensation plan. In order to ensure equity across departments and divisions, specialized pay plans should be part of a comprehensive pay evaluation.

Personal Service by \$401,548 from \$17,172,906 to \$16,771,358 from Conservation Commission Fund.
 From \$34,456,738 to \$34,055,190 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 6.605.** — To the Department of Conservation
 For Fish and Wildlife Management, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625
 Personal Service \$22,425,809
 Expense and Equipment 7,049,626
 From Conservation Commission Fund (0609) (Not to exceed 488.52 F.T.E.) \$29,475,435

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

*I hereby veto \$572,870 Conservation Commission Fund for the Department of Conservation compensation plan. In order to ensure equity across departments and divisions, specialized pay plans should be part of a comprehensive pay evaluation.

Personal Service by \$572,870 from \$22,425,809 to \$21,852,939 from Conservation Commission Fund.

From \$29,475,435 to \$28,902,565 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 6.610.** — To the Department of Conservation
For Recreation Management, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625

Personal Service.....	\$9,161,036
Expense and Equipment.....	<u>8,611,574</u>
From Conservation Commission Fund (0609) (Not to exceed 220.31 F.T.E.)	\$17,772,610

*I hereby veto \$282,339 Conservation Commission Fund for the Department of Conservation compensation plan. In order to ensure equity across departments and divisions, specialized pay plans should be part of a comprehensive pay evaluation.

Personal Service by \$282,339 from \$9,161,036 to \$8,878,697 from Conservation Commission Fund.

From \$17,772,610 to \$17,490,271 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 6.615.** — To the Department of Conservation
For Education and Communication, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625

Personal Service.....	\$9,720,540
Expense and Equipment.....	<u>7,636,546</u>
From Conservation Commission Fund (0609) (Not to exceed 217.23 F.T.E.)	\$17,357,086

*I hereby veto \$229,292 Conservation Commission Fund for the Department of Conservation compensation plan. In order to ensure equity across departments and divisions, specialized pay plans should be part of a comprehensive pay evaluation.

Personal Service by \$229,292 from \$9,720,540 to \$9,491,248 from Conservation Commission Fund.

From \$17,357,086 to \$17,127,794 in total for the section.

MICHAEL L. PARSON
GOVERNOR

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

***SECTION 6.620.** — To the Department of Conservation

For Conservation Business Services, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625

Personal Service.....	\$16,407,249
Expense and Equipment.....	<u>38,479,795</u>
From Conservation Commission Fund (0609) (Not to exceed 331.08 F.T.E.)	\$54,887,044

*I hereby veto \$428,460 Conservation Commission Fund for the Department of Conservation compensation plan. In order to ensure equity across departments and divisions, specialized pay plans should be part of a comprehensive pay evaluation.

Personal Service by \$428,460 from \$16,407,249 to \$15,978,789 from Conservation Commission Fund.

From \$54,887,044 to \$54,458,584 in total for the section.

MICHAEL L. PARSON
GOVERNOR

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

For Staff Development and Benefits, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625

Personal Service.....	\$17,871,062
Expense and Equipment.....	<u>2,183,021</u>
From Conservation Commission Fund (0609) (Not to exceed 95.65 F.T.E.)	\$20,054,083

*I hereby veto \$85,491 Conservation Commission Fund for the Department of Conservation compensation plan. In order to ensure equity across departments and divisions, specialized pay plans should be part of a comprehensive pay evaluation.

Personal Service by \$85,491 from \$17,871,062 to \$17,785,571 from Conservation Commission Fund.

From \$20,054,083 to \$19,968,592 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.628. — To the Department of Conservation

For the Share the Harvest Program, which may include utilizing meat from dispatched feral hogs

From Conservation Commission Fund (0609)	\$300,000
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SECTION 6.629. — To the Department of Conservation

For vehicle checkpoints where motorists may be detained without individualized reasonable suspicion and related administrative expenses

From Conservation Commission Fund (0609)	\$1
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 6.630. — To the Department of Conservation
 For sign repair
 From Conservation Commission Fund (0609) \$150,000

SECTION 6.631. — To the Department of Conservation
 For black vulture mitigation
 From Conservation Commission Fund (0609) \$300,000

PART 2

SECTION 6.700. — To the Department of Agriculture, the Department of Natural Resources, and the Department of Conservation
 In reference to all sections in Part 1 of this act:
 No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

SECTION 6.705. — To the Department of Natural Resources
 In reference to Section 6.200 through and including Section 6.410 of Part 1 of this act:
 No funds shall be expended on land purchases for which the Department of Natural Resources did not provide notice to the General Assembly, in writing, at least sixty (60) days prior to the purchase.

SECTION 6.710. — To the Department of Natural Resources
 In reference to Section 6.200 through and including Section 6.410 of Part 1 of this act:
 No funds shall be spent to implement or enforce any portion of the rule proposed by the United States Army Corps of Engineers and the United States Environmental Protection Agency on June 29, 2015, 80 Federal Register 37054, known as the 2015 “WOTUS” rule, that purported to revise the regulatory definition of “waters of the United States” or “navigable waters” under the federal Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq., without the approval of the General Assembly.

SECTION 6.715. — To the Department of Natural Resources
 In reference to Section 6.200 through and including Section 6.410 of Part 1 of this act:
 No funds shall be spent to implement or enforce any portion of the federal Environmental Protection Agency’s “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,” 80 Fed. Reg. 64,662 (October 23, 2015).

SECTION 6.720. — To the Department of Conservation
 In reference to Section 6.600 through and including Section 6.631 of Part 1 of this act:
 No funds shall be expended on the development, maintenance, use, transmission, or storage of any landowner registry for which any data are collected incident to a landowner request for a hunting permit.

PART 3

SECTION 6.800. — To the Department of Agriculture, the Department of Natural Resources, and the Department of Conservation

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
6.020	6	\$700,000	0
6.020	37	\$200,000	0
6.080	5	\$144,500	0
6.080	5	\$250,000	0
6.080	11	\$144,500	0
6.080	44	\$20,000,000	0
6.100	13	\$252,300	0
6.100	17	\$430,000	0
6.100	18	\$100,000	0
6.105	18	\$308,990	0
6.260	4	\$1,324,851	0
6.300	10	\$1,117	0
6.341	11	\$50,000,000	0
6.350	7	\$760,000	0
6.600	7	\$291,500	0
6.620	7	\$250,000	0

Department of Agriculture Totals

General Revenue Fund.....\$7,730,587
 Federal Funds.....26,908,015
 Other Funds.....27,820,513
 Total.....\$62,459,115

Department of Natural Resources Totals

General Revenue Fund.....\$31,368,405
 Federal Funds.....66,776,449
 Other Funds.....521,769,040
 Total.....\$619,913,894

Department of Conservation Totals

Total - Other Funds\$174,752,997

Approved June 30, 2021

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

CCS SCS HCS HB 7

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Economic Development, the Department of Commerce and Insurance, and the Department of Labor and Industrial Relations

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021, and ending June 30, 2022, as follows:

PART 1

SECTION 7.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarifications of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

SECTION 7.005. — To the Department of Economic Development For the Regional Engagement Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

Personal Service.....	\$783,946
Expense and Equipment.....	<u>337,934</u>
From General Revenue Fund (0101)	1,121,880

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

Personal Service	
From Department of Economic Development - Community Development Block	
Grant (Administration) Fund (0123).....	52,619
Personal Service.....	400,400
Expense and Equipment.....	<u>58,558</u>
From Job Development and Training Fund (0155).....	458,958
Personal Service	
From Department of Economic Development Administrative Fund (0547).....	
34,319	
For regional engagement and minority participation and inclusion efforts	
Personal Service	
From General Revenue Fund (0101).....	
75,384	
For business recruitment and marketing	
From Economic Development Advancement Fund (0783).....	
<u>3,000,000</u>	
Total (Not to exceed 25.61 F.T.E.)	\$4,743,160

***SECTION 7.006.** — To the Department of Economic Development
 For the purpose of funding performance incentives for high-achieving
 department employees

Personal Service	
From General Revenue Fund (0101).....	
\$10,531	
From Federal and Other Funds (Various).....	
<u>12,199</u>	
Total.....	\$22,730

*I hereby veto \$22,730, including \$10,531 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.
 From \$10,531 to \$0 from general revenue.
 From \$12,199 to \$0 from federal and other funds.
 From \$22,730 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 7.015. — To the Department of Economic Development
 For Delta Regional Authority Organizational Dues
 From Economic Development Advancement Fund (0783)..... \$150,644

SECTION 7.020. — To the Department of Economic Development
 For the Business and Community Solutions Division, provided that not more
 than ten percent (10%) flexibility is allowed between personal service and
 expense and equipment, and further provided that not more than three
 percent (3%) flexibility is allowed from this section to Section 7.155

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

Personal Service.....	\$1,491,383
Expense and Equipment.....	<u>693,131</u>
From General Revenue Fund (0101)	2,184,514
Personal Service.....	988,939
Expense and Equipment.....	<u>251,400</u>
From Department of Economic Development - Community Development Block Grant (Administration) Fund (0123)	1,240,339
Personal Service From Department of Economic Development Administrative Fund (0547).....	294,746
Expense and Equipment From International Promotions Revolving Fund (0567).....	1,402,238
Personal Service.....	46,868
Expense and Equipment.....	<u>3,890</u>
From State Supplemental Downtown Development Fund (0766)	50,758
Personal Service.....	177,808
Expense and Equipment.....	<u>355,000</u>
From Economic Development Advancement Fund (0783).....	532,808
For refunding any overpayment or erroneous payment of any amount that is credited to the Economic Development Advancement Fund From Economic Development Advancement Fund (0783).....	10,000
For International Trade and Investment Offices From Economic Development Advancement Fund (0783).....	<u>1,500,000</u>
Total (Not to exceed 54.45 F.T.E.)	\$7,215,403

SECTION 7.025. — To the Department of Economic Development
For tourism infrastructure pursuant to Section 99.585, RSMo
From General Revenue Fund (0101)\$1,975,000

SECTION 7.030. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury to the Missouri
Technology Investment Fund
From General Revenue Fund (0101)\$3,000,000

SECTION 7.035. — To the Department of Economic Development
For the Missouri Technology Corporation, provided that all funds appropriated
to the Missouri Technology Corporation by the General Assembly shall be
subject to the provisions of Section 196.1127, RSMo
For administration and for science and technology development, including but
not limited to, innovation centers and the Missouri Manufacturing Extension
Partnership
From Missouri Technology Investment Fund (0172)\$7,500,000

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

SECTION 7.040. — To the Department of Economic Development	
For the Business and Community Solutions Division	
For the Community Development Block Grant Program	
For projects awarded before July 1, 2021	
Expense and Equipment	\$70,000,000
For projects awarded on or after July 1, 2021, provided that no funds shall be expended at higher education institutions not headquartered in Missouri for purposes of accreditation	
Expense and Equipment	<u>35,000,000</u>
From Department of Economic Development - Community Development Block Grant (Pass-through) Fund (0118).....	
	105,000,000
For projects to support local community development activities	
Expense and Equipment	
From Department of Economic Development Federal Stimulus Fund (2360)	<u>30,123,396</u>
Total.....	\$135,123,396
 SECTION 7.045. — To the Department of Economic Development	
For the Business and Community Solutions Division	
For the Missouri Main Street Program	
From Economic Development Advancement Fund (0783).....	\$500,000
 SECTION 7.050. — To the Department of Economic Development	
Funds are to be transferred out of the State Treasury to the Missouri Supplemental Tax Increment Financing Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155	
From General Revenue Fund (0101)	\$31,844,958
 SECTION 7.055. — To the Department of Economic Development	
For Missouri supplemental tax increment financing as provided in Section 99.845, RSMo. This appropriation may be used for the following projects: Kansas City Midtown, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Springfield Jordan Valley Park, Kansas City Bannister Mall/Three Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City, 1200 Main Garage Project in Kansas City, Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro, Kansas City East Village Project, St. Louis Innovation District, National Geospatial Agency West, Fenton Logistics Park, and IDEA Commons. The presence of a project in this list is not an indication said project is nor shall be approved for tax increment financing. A listed project must have completed the application process and a certificate of approval must have been issued pursuant to Section 99.845 (10), RSMo, before a project may be disbursed funds subject to the appropriation.	
From Missouri Supplemental Tax Increment Financing Fund (0848).....	\$31,844,958

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

SECTION 7.060. — To the Department of Economic Development
 Funds are to be transferred out of the State Treasury, such amounts generated by development projects, as required by Section 99.963, RSMo, to the State Supplemental Downtown Development Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155
 From General Revenue Fund (0101)\$1,661,327

SECTION 7.065. — To the Department of Economic Development
 For the Missouri Downtown Economic Stimulus Act as provided in Sections 99.915 to 99.980, RSMo
 From State Supplemental Downtown Development Fund (0766)\$1,614,885

SECTION 7.070. — To the Department of Economic Development
 Funds are to be transferred out of the State Treasury, such amounts generated by redevelopment projects, as required by Section 99.1092, RSMo, to the Downtown Revitalization Preservation Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155
 From General Revenue Fund (0101)\$250,000

SECTION 7.075. — To the Department of Economic Development
 For the Downtown Revitalization Preservation Program as provided in Sections 99.1080 to 99.1092, RSMo
 From Downtown Revitalization Preservation Fund (0907)\$250,000

SECTION 7.080. — To the Department of Economic Development
 For the Business and Community Solutions Division
 For the Missouri Community Service Commission
 Personal Service.....\$263,708
 Expense and Equipment.....6,885,711
 From Community Service Commission Fund (0197) (Not to exceed 5.00 F.T.E.)\$7,149,419

SECTION 7.085. — To the Department of Economic Development
 For the Missouri One Start Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155
 Personal Service
 From General Revenue Fund (0101)\$41,871
 Personal Service.....475,778
 Expense and Equipment.....82,777
 From Missouri One Start Job Development Fund (0600).....558,555
 Total (Not to exceed 9.00 F.T.E.).....\$600,426

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

SECTION 7.090. — To the Department of Economic Development
 Funds are to be transferred out of the State Treasury to the Missouri One Start Job Development Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155
 From General Revenue Fund (0101)\$6,022,477

SECTION 7.095. — To the Department of Economic Development
 For new and expanding industry training programs and basic industry retraining programs
 From Missouri One Start Job Development Fund (0600).....\$8,693,406

SECTION 7.100. — To the Department of Economic Development
 For the Missouri One Start Community College New Jobs Training Program
 For training of workers by community college districts
 From Missouri One Start Community College New Jobs Training Fund (0563).....\$16,000,000

SECTION 7.105. — To the Department of Economic Development
 For the Missouri One Start Community College Job Retention Training Program
 From Missouri One Start Community College Job Retention Training Fund (0717).....\$11,000,000

SECTION 7.110. — To the Department of Economic Development
 For the Strategy and Performance Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155
 Personal Service.....\$803,282
 Expense and Equipment..... 205,779
 From General Revenue Fund (0101) 1,009,061

Personal Service..... 68,053
 Expense and Equipment..... 12,765
 From Job Development and Training Fund (0155)..... 80,818

Personal Service
 From Department of Economic Development Administrative Fund (0547)..... 171,584
 Total (Not to exceed 15.41 F.T.E.)\$1,261,463

SECTION 7.115. — To the Department of Economic Development
 For Broadband Grants
 From Department of Economic Development Federal Stimulus Fund (2360)\$10,000,000

SECTION 7.120. — To the Department of Economic Development
 For the response to, and analysis of, the impact of Missouri's military bases on the nation's military readiness and the state's economy and advocacy of the continued presence and expansion of military installations in the state, provided that not more than five percent (5%) flexibility is allowed between personal service and

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

expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

Personal Service.....	\$170,088
Expense and Equipment.....	<u>440,120</u>
From General Revenue Fund (0101) (Not to exceed 1.50 F.T.E.).....	\$610,208

SECTION 7.125. — To the Department of Economic Development For the Missouri Military Community Reinvestment Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

From General Revenue Fund (0101).....	\$300,000
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SECTION 7.130. — To the Department of Economic Development Funds are to be transferred out of the State Treasury to the Division of Tourism Supplemental Revenue Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

From General Revenue Fund (0101).....	\$20,285,414
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SECTION 7.135. — To the Department of Economic Development For the Division of Tourism to include coordination of advertising of at least \$70,000 for the Missouri State Fair, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,576,462
Expense and Equipment.....	<u>16,039,900</u>
From Division of Tourism Supplemental Revenue Fund (0274).....	17,616,362

For the Missouri Film Office Expense and Equipment

From Division of Tourism Supplemental Revenue Fund (0274).....	200,115
--	---------

For a redevelopment authority to support the history and art form of American Jazz located within a home rule city with more than four hundred thousand inhabitants and located in more than one county Expense and Equipment

From Division of Tourism Supplemental Revenue Fund (0274).....	100,000
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For a museum, located within a home rule city with more than four hundred thousand inhabitants and located in more than one county, with archives which highlight African-American cultural contributions and history in Missouri Expense and Equipment

From Division of Tourism Supplemental Revenue Fund (0274).....	125,000
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For the celebration of Missouri's Bicentennial Expense and Equipment

From Division of Tourism Supplemental Revenue Fund (0274).....	350,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

For a historic musical foundation, located within a home rule city with more than four hundred thousand inhabitants and located in more than one county that preserves and develops musical heritage and offers rehearsal space	
From Division of Tourism Supplemental Revenue Fund (0274).....	250,000
For sponsorships of events that promote Missouri tourism	
Expense and Equipment	
From Division of Tourism Supplemental Revenue Fund (0274).....	1,000,000
For celebrations during the month of June commemorating the emancipation of black slaves in the United States	
From Division of Tourism Supplemental Revenue Fund (0274).....	300,000
For a Route 66 festival in a home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants	
From Division of Tourism Supplemental Revenue Fund (0274).....	100,000
For the Division of Tourism	
Expense and Equipment	
From Tourism Marketing Fund (0650)	24,500
Total (Not to exceed 31.50 F.T.E.)	\$20,065,977
SECTION 7.136. — To the Department of Economic Development	
Funds are to be transferred out of the State Treasury to the Major Economic Convention Event in Missouri Fund	
From General Revenue Fund (0101)	\$500,000
SECTION 7.137. — To the Department of Economic Development	
For the Meet in Missouri Act, as provided in Section 620.1620, RSMo	
From Major Economic Convention Event in Missouri Fund (0593)	\$500,000
SECTION 7.140. — To the Department of Economic Development	
For the Missouri Housing Development Commission	
For general administration of affordable housing activities	
For funding housing subsidy grants or loans	
From Missouri Housing Trust Fund (0240)	\$4,450,000
For the Emergency Rental Assistance Program	
From Housing Assistance Federal Stimulus Fund (2303)	324,694,749
Total.....	\$329,144,749
SECTION 7.142. — To the Department of Economic Development	
For the Missouri Housing Development Commission	
For housing assistance	
From Housing Assistance Federal Stimulus-2021 Fund (2450).....	\$142,000,000

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

SECTION 7.145. — To the Department of Economic Development

For the Administrative Services Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

Personal Service.....	\$845,525
Annual salary adjustment in accordance with Section 105.005, RSMo.....	774
Expense and Equipment.....	<u>97,719</u>
From General Revenue Fund (0101)	944,018
Personal Service.....	51,639
Expense and Equipment.....	<u>1,777</u>
From Department of Economic Development - Community Development Block Grant (Administration) Fund (0123)	53,416
Personal Service.....	309,195
Annual salary adjustment in accordance with Section 105.005, RSMo.....	614
Expense and Equipment.....	190,722
For refunds	12,000
From Department of Economic Development Administrative Fund (0547).....	<u>512,531</u>
Total (Not to exceed 16.54 F.T.E.)	\$1,509,965

SECTION 7.150. — To the Department of Economic Development

Funds are to be transferred out of the State Treasury, for payment of administrative costs, to the Department of Economic Development Administrative Fund

From Division of Tourism Supplemental Revenue Fund (0274).....	\$162,974
From Missouri One Start Job Development Fund (0600).....	23,896
From Economic Development Advancement Fund (0783).....	<u>117,695</u>
Total.....	\$304,565

SECTION 7.155. — To the Department of Economic Development

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

From General Revenue Fund (0101)	\$1
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SECTION 7.400. — To the Department of Commerce and Insurance

For Administrative Services

Personal Service.....	\$138,120
Expense and Equipment.....	<u>37,910</u>
From DCI Administrative Fund (0503) (Not to exceed 2.07 F.T.E.).....	\$176,030

***SECTION 7.401.** — To the Department of Commerce and Insurance

For the purpose of funding performance incentives for high-achieving department employees

Personal Service

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

From General Revenue Fund (0101)	\$2,372
From Other Funds (Various)	<u>113,896</u>
Total.....	\$116,268

*I hereby veto \$116,268, including \$2,372 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.
 From \$2,372 to \$0 from general revenue.
 From \$113,896 to \$0 from other funds.
 From \$116,268 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 7.405. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for administrative services, to the DCI Administrative Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.560

From General Revenue Fund (0101)	\$10,000
From Division of Credit Unions Fund (0548).....	40,000
From Division of Finance Fund (0550).....	100,000
From Insurance Dedicated Fund (0566).....	40,264
From Manufactured Housing Fund (0582)	5,000
From Public Service Commission Fund (0607).....	100,000
From Professional Registration Fees Fund (0689)	<u>200,000</u>
Total.....	\$495,264

SECTION 7.410. — To the Department of Commerce and Insurance

For Insurance Operations	
Personal Service.....	\$9,272,428
Expense and Equipment.....	1,921,904
For refunds	<u>75,000</u>
From Insurance Dedicated Fund (0566).....	11,269,332
For consumer restitution payments	
From Consumer Restitution Fund (0792).....	<u>5,000</u>
Total (Not to exceed 159.56 F.T.E.)	\$11,274,332

SECTION 7.415. — To the Department of Commerce and Insurance

For market conduct and financial examinations of insurance companies	
Personal Service.....	\$3,622,347
Expense and Equipment.....	715,802
For refunds	<u>60,000</u>
From Insurance Examiners Fund (0552) (Not to exceed 43.30 F.T.E.).....	\$4,398,149

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

SECTION 7.420. — To the Department of Commerce and Insurance
For programs providing counseling on health insurance coverage and benefits to
Medicare beneficiaries

From Federal - Missouri Department of Insurance Fund (0192).....	\$1,400,000
From Insurance Dedicated Fund (0566).....	<u>200,000</u>
Total.....	\$1,600,000

SECTION 7.425. — To the Department of Commerce and Insurance
For the Division of Credit Unions

Personal Service.....	\$1,237,363
Expense and Equipment.....	<u>152,065</u>
From Division of Credit Unions Fund (0548) (Not to exceed 15.50 F.T.E.).....	\$1,389,428

SECTION 7.430. — To the Department of Commerce and Insurance
For the Division of Finance

Personal Service.....	\$8,532,029
Expense and Equipment.....	812,736
For Conference of State Bank Supervisors dues.....	140,000
For Out-of-State Examinations.....	<u>25,000</u>
From Division of Finance Fund (0550) (Not to exceed 107.15 F.T.E.).....	\$9,509,765

SECTION 7.435. — To the Department of Commerce and Insurance
Funds are to be transferred out of the State Treasury, for the purpose of
supervising state chartered savings and loan associations, to the Division of
Finance Fund

From Division of Savings and Loan Supervision Fund (0549)	\$125,000
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SECTION 7.440. — To the Department of Commerce and Insurance
Funds are to be transferred out of the State Treasury, for the purpose of
administering the Residential Mortgage Licensing Law, to the Division of
Finance Fund

From Residential Mortgage Licensing Fund (0261)	\$1,500,000
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SECTION 7.445. — To the Department of Commerce and Insurance
Funds are to be transferred out of the State Treasury, in accordance with
Section 369.324, RSMo, to the General Revenue Fund

From Division of Savings and Loan Supervision Fund (0549)	\$50,000
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SECTION 7.450. — To the Department of Commerce and Insurance
For general administration of the Division of Professional Registration, provided
that not more than five percent (5%) flexibility is allowed between personal
service and expense and equipment

Personal Service.....	\$3,939,483
Expense and Equipment.....	1,070,838
For examination and other fees	102,000
For Real Estate Appraiser Committee Fees.....	900,000
For refunds	<u>125,000</u>
From Professional Registration Fees Fund (0689) (Not to exceed 90.00 F.T.E.)	\$6,137,321

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

SECTION 7.455. — To the Department of Commerce and Insurance	
For the State Board of Accountancy	
Personal Service.....	\$319,564
Expense and Equipment.....	<u>248,625</u>
From State Board of Accountancy Fund (0627) (Not to exceed 7.00 F.T.E.).....	\$568,189
SECTION 7.460. — To the Department of Commerce and Insurance	
For the State Board for Architects, Professional Engineers, Professional Land	
Surveyors and Professional Landscape Architects	
Personal Service.....	\$391,193
Expense and Equipment.....	<u>303,395</u>
From State Board for Architects, Professional Engineers, Professional Land	
Surveyors and Professional Landscape Architects Fund (0678) (Not to	
exceed 9.00 F.T.E.).....	\$694,588
SECTION 7.465. — To the Department of Commerce and Insurance	
For the State Board of Chiropractic Examiners	
Expense and Equipment	
From State Board of Chiropractic Examiners Fund (0630)	\$132,146
SECTION 7.470. — To the Department of Commerce and Insurance	
For the State Board of Cosmetology and Barber Examiners	
Expense and Equipment.....	\$315,334
For criminal history checks.....	<u>1,000</u>
From Board of Cosmetology and Barber Examiners Fund (0785)	\$316,334
SECTION 7.475. — To the Department of Commerce and Insurance	
For the Missouri Dental Board	
Personal Service.....	\$382,810
Expense and Equipment.....	<u>238,361</u>
From Dental Board Fund (0677) (Not to exceed 7.50 F.T.E.).....	\$621,171
SECTION 7.480. — To the Department of Commerce and Insurance	
For the State Board of Embalmers and Funeral Directors	
Expense and Equipment	
From Board of Embalmers and Funeral Directors Fund (0633).....	\$164,836
SECTION 7.485. — To the Department of Commerce and Insurance	
For the State Board of Registration for the Healing Arts	
Personal Service.....	\$2,020,979
Expense and Equipment.....	<u>754,159</u>
From Board of Registration for the Healing Arts Fund (0634) (Not to exceed	
44.00 F.T.E.)	\$2,775,138
SECTION 7.490. — To the Department of Commerce and Insurance	
For the State Board of Nursing	

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

Personal Service.....	\$1,353,228
Expense and Equipment.....	<u>578,512</u>
From State Board of Nursing Fund (0635).....	1,931,740

For competitive grants to eligible institutions of higher education based on a process and criteria jointly determined by the State Board of Nursing and the Department of Higher Education and Workforce Development. Grant award amounts shall not exceed one hundred fifty thousand dollars (\$150,000) and no campus shall receive more than one grant per year

From State Board of Nursing Fund (0635).....	<u>2,000,000</u>
Total (Not to exceed 28.00 F.T.E.)	\$3,931,740

SECTION 7.495. — To the Department of Commerce and Insurance

For the State Board of Optometry

Expense and Equipment

From Optometry Fund (0636)	\$35,188
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SECTION 7.500. — To the Department of Commerce and Insurance

For the State Board of Pharmacy

Personal Service.....

\$1,251,634

Expense and Equipment.....

1,419,530

For criminal history checks.....

5,000

From Board of Pharmacy Fund (0637) (Not to exceed 16.00 F.T.E.)	\$2,676,164
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SECTION 7.505. — To the Department of Commerce and Insurance

For the State Board of Podiatric Medicine

Expense and Equipment

From State Board of Podiatric Medicine Fund (0629)	\$13,760
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SECTION 7.510. — To the Department of Commerce and Insurance

For the Missouri Real Estate Commission

Personal Service.....

\$1,011,505

Expense and Equipment.....

277,651

From Real Estate Commission Fund (0638) (Not to exceed 25.00 F.T.E.).....	\$1,289,156
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SECTION 7.515. — To the Department of Commerce and Insurance

For the Missouri Veterinary Medical Board

Expense and Equipment.....

\$58,659

For payment of fees for testing services

50,000

From Veterinary Medical Board Fund (0639)	\$108,659
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SECTION 7.520. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for administrative costs, to the General Revenue Fund

From Professional Registration Board funds (Various)	\$1,461,218
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SECTION 7.525. — To the Department of Commerce and Insurance	
Funds are to be transferred out of the State Treasury, for payment of operating expenses, to the Professional Registration Fees Fund	
From Professional Registration Board funds (Various)	\$9,665,697
SECTION 7.530. — To the Department of Commerce and Insurance	
Funds are to be transferred out of the State Treasury, for funding new licensing activity pursuant to Section 324.016, RSMo, to the Professional Registration Fees Fund	
From any board funds (Various)	\$200,000
SECTION 7.535. — To the Department of Commerce and Insurance	
Funds are to be transferred out of the State Treasury, for the reimbursement of funds loaned for new licensing activity pursuant to Section 324.016, RSMo, to the appropriate board fund	
From Professional Registration Fees Fund (0689)	\$320,000
SECTION 7.540. — To the Department of Commerce and Insurance	
For Manufactured Housing	
Personal Service	\$403,061
Expense and Equipment	354,478
For Manufactured Housing programs	50,000
For refunds	<u>10,000</u>
From Manufactured Housing Fund (0582)	817,539
For Manufactured Housing to pay consumer claims	
From Manufactured Housing Consumer Recovery Fund (0909)	<u>192,000</u>
Total (Not to exceed 8.00 F.T.E.)	\$1,009,539
SECTION 7.545. — To the Department of Commerce and Insurance	
Funds are to be transferred out of the State Treasury to the Manufactured Housing Consumer Recovery Fund	
From Manufactured Housing Fund (0582)	\$192,000
SECTION 7.550. — To the Department of Commerce and Insurance	
For the Office of the Public Counsel, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.560	
Personal Service	\$948,949
Expense and Equipment	<u>94,639</u>
From General Revenue Fund (0101) (Not to exceed 16.00 F.T.E.)	\$1,043,588
SECTION 7.555. — To the Department of Commerce and Insurance	
For the Public Service Commission	
For general administration of utility regulation activities, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	

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

Personal Service.....	\$11,676,811
Annual salary adjustment in accordance with Section 105.005, RSMo.....	5,657
Expense and Equipment.....	2,287,016
For refunds	<u>10,000</u>
From Public Service Commission Fund (0607)	13,979,484
For the Deaf Relay Service and Equipment Distribution Program	
From Deaf Relay Service and Equipment Distribution Program	
Fund (0559).....	<u>2,495,860</u>
Total (Not to exceed 191.00 F.T.E.)	\$16,475,344

SECTION 7.560. — To the Department of Commerce and Insurance

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

From General Revenue Fund (0101)	\$1
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SECTION 7.800. — To the Department of Labor and Industrial Relations

For the Director and Staff

Personal Service.....	\$2,750,418
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,351
Expense and Equipment.....	<u>1,387,887</u>

From Department of Labor and Industrial Relations Administrative

Fund (0122).....	4,139,656
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Expense and Equipment

From Unemployment Compensation Administration Fund (0948).....	<u>1,010,000</u>
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Total (Not to exceed 47.65 F.T.E.)	\$5,149,656
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***SECTION 7.801.** — To the Department of Labor and Industrial Relations

For the purpose of funding performance incentives for high-achieving department employees

Personal Service

From General Revenue Fund (0101)	\$2,827
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From Federal and Other Funds (Various).....	<u>158,633</u>
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Total.....	\$161,460
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*I hereby veto \$161,460, including \$2,827 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.

From \$2,827 to \$0 from general revenue.

From \$158,633 to \$0 from federal and other funds.

From \$161,460 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

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

SECTION 7.805.— To the Department of Labor and Industrial Relations

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

From General Revenue Fund (0101)	\$366,831
From the Division of Labor Standards - Federal Fund (0186).....	100,962
From Unemployment Compensation Administration Fund (0948).....	3,447,212
From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....	1,366,450
From Workers' Compensation Fund (0652).....	1,231,957
From Special Employment Security Fund (0949)	<u>120,000</u>
Total.....	\$6,633,412

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

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

From General Revenue Fund (0101)	\$311,906
From the Division of Labor Standards - Federal Fund (0186).....	53,775
From Unemployment Compensation Administration Fund (0948).....	4,952,583
From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....	1,887,001
From Workers' Compensation Fund (0652).....	1,048,277
From Special Employment Security Fund (0949)	<u>128,804</u>
Total.....	\$8,382,346

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

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

Personal Service.....	\$14,560
Expense and Equipment.....	<u>868</u>
From General Revenue Fund (0101)	15,428
Personal Service.....	456,404
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,434
Expense and Equipment.....	<u>27,285</u>
From Unemployment Compensation Administration Fund (0948).....	485,123
Personal Service.....	522,859
Annual salary adjustment in accordance with Section 105.005, RSMo.....	2,009
Expense and Equipment.....	<u>31,279</u>

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

From Workers' Compensation Fund (0652).....	<u>556,147</u>
Total (Not to exceed 13.59 F.T.E.)	\$1,056,698

SECTION 7.820. — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

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

Personal Service.....	\$54,400
Expense and Equipment.....	<u>19,692</u>
From General Revenue Fund (0101)	74,092

Personal Service.....	86,123
Expense and Equipment.....	<u>43,000</u>
From the Division of Labor Standards - Federal Fund (0186).....	129,123

Personal Service.....	86,123
Expense and Equipment.....	<u>10,330</u>
From Workers' Compensation Fund (0652).....	96,453

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

Personal Service	
From General Revenue Fund (0101)	45,882

Expense and Equipment	
From Child Labor Enforcement Fund (0826)	79,687

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

Personal Service.....	97,314
Expense and Equipment.....	<u>751</u>
From General Revenue Fund (0101)	98,065

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

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

Personal Service.....	163,077
Expense and Equipment.....	<u>17,437</u>
From General Revenue Fund (0101).....	<u>180,514</u>
Total (Not to exceed 12.22 F.T.E.).....	\$703,816

SECTION 7.825. — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For safety and health programs

Personal Service.....	\$761,223
Expense and Equipment.....	<u>290,995</u>
From the Division of Labor Standards - Federal Fund (0186).....	1,052,218

Personal Service.....	132,215
Expense and Equipment.....	<u>39,542</u>
From Workers' Compensation Fund (0652).....	<u>171,757</u>
Total (Not to exceed 17.00 F.T.E.).....	\$1,223,975

SECTION 7.830. — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For mine safety and health training programs

Personal Service.....	\$193,718
Expense and Equipment.....	<u>147,223</u>
From the Division of Labor Standards - Federal Fund (0186).....	340,941

Personal Service.....	104,609
Expense and Equipment.....	<u>12,119</u>
From Workers' Compensation Fund (0652).....	116,728

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

Personal Service.....	72,057
Expense and Equipment.....	<u>6,083</u>
From General Revenue Fund (0101).....	78,140

Personal Service.....	50,491
Expense and Equipment.....	<u>18,000</u>
From State Mine Inspection Fund (0973).....	<u>68,491</u>
Total (Not to exceed 7.50 F.T.E.).....	\$604,300

SECTION 7.835. — To the Department of Labor and Industrial Relations

For the State Board of Mediation provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

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

Personal Service.....	\$127,142
Expense and Equipment.....	<u>15,119</u>
From General Revenue Fund (0101) (Not to exceed 2.00 F.T.E.)	\$142,261

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

Personal Service.....	\$8,353,369
Expense and Equipment.....	<u>1,377,986</u>
From Workers' Compensation Fund (0652).....	9,731,355

Expense and Equipment	
From Tort Victims' Compensation Fund (0622).....	<u>4,836</u>
Total (Not to exceed 142.25 F.T.E.)	\$9,763,191

SECTION 7.845. — To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For payment of special claims

From Workers' Compensation - Second Injury Fund (0653).....	\$105,060,833
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SECTION 7.850. — To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation

For refunds for overpayment of any tax or any payment credited to the Workers' Compensation - Second Injury Fund	
From Workers' Compensation - Second Injury Fund (0653).....	\$500,000

SECTION 7.855. — To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury to the Line of Duty
Compensation Fund, provided that not more than three percent (3%)
flexibility is allowed from this section to Section 7.910

From General Revenue Fund (0101)	\$450,000
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SECTION 7.860. — To the Department of Labor and Industrial Relations
For the Line of Duty Compensation Program as provided in Section
287.243, RSMo

From Line of Duty Compensation Fund (0939).....	\$450,000
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SECTION 7.865. — To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation

For payments of claims to tort victims	
From Tort Victims' Compensation Fund (0622).....	\$3,700,000

SECTION 7.870. — To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury, pursuant to Section
537.675, RSMo, to the Basic Civil Legal Services Fund

From Tort Victims' Compensation Fund (0622).....	\$1,300,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.875.— To the Department of Labor and Industrial Relations
 For the design and construction of a Workers Memorial
 From Workers Memorial Fund (0895).....\$150,000

SECTION 7.880.— To the Department of Labor and Industrial Relations
 For the Division of Employment Security, provided that the Department of
 Labor and Industrial Relations institute an automated solution to obtain real-
 time employment and income data (up-to-date, non-modeled employment
 and income data provided by employers and/or payroll providers) from a
 commercial or non-commercial entities that collect and maintain data
 regarding employment and income in compliance with all federal and state
 privacy requirements, in order to improve the accuracy of unemployment
 compensation payments, increase operational efficiencies, achieve cost
 savings, and minimize fraud, and further provided that not more than twenty-
 five percent (25%) flexibility is allowed between personal service and
 expense and equipment

Personal Service.....	\$23,958,724
Expense and Equipment.....	<u>5,800,401</u>
From Unemployment Compensation Administration Fund (0948).....	29,759,125
Personal Service.....	24,187,938
Expense and Equipment.....	<u>7,600,846</u>
From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....	31,788,784

For information technology hardware, software, and/or system enhancements
 and improvements

Personal Service.....	2,000,000
Expense and Equipment.....	<u>11,000,000</u>
From Unemployment Compensation Administration Fund (0948).....	13,000,000

For the repayment of the state share of overpayments made to Missouri citizens
 through an unemployment claims processed due to COVID-19 pandemic

From State Emergency Management Federal Stimulus Fund (2335).....	48,000,000
Personal Service.....	441,149
Expense and Equipment.....	<u>16,143</u>
From Unemployment Automation Fund (0953).....	<u>457,292</u>
Total (Not to exceed 517.21 F.T.E.).....	\$123,005,201

SECTION 7.885.— To the Department of Labor and Industrial Relations
 For the Division of Employment Security
 For administration of programs authorized and funded by the United States
 Department of Labor, such as Disaster Unemployment Assistance (DUA),
 and provided that all funds shall be expended from discrete accounts and that
 no monies shall be expended for funding administration of these programs
 by the Division of Employment Security

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

From Unemployment Compensation Administration Fund (0948).....	\$11,000,000
From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....	<u>17,000,000</u>
Total.....	\$28,000,000

SECTION 7.890. — To the Department of Labor and Industrial Relations
For the Division of Employment Security

Personal Service.....	\$604,496
Expense and Equipment.....	<u>6,498,000</u>
From Special Employment Security Fund (0949) (Not to exceed 15.00 F.T.E.).....	\$7,102,496

SECTION 7.895. — To the Department of Labor and Industrial Relations

For the Division of Employment Security

For the War on Terror Unemployment Compensation Program

Expense and Equipment.....	\$5,000
For payment of benefits	<u>35,000</u>
From War on Terror Unemployment Compensation Fund (0736).....	\$40,000

SECTION 7.900. — To the Department of Labor and Industrial Relations

For the Division of Employment Security

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

From Debt Offset Escrow Fund (0753).....	\$10,000,000
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SECTION 7.905. — To the Department of Labor and Industrial Relations

For the Missouri Commission on Human Rights, provided that not more than
ten percent (10%) flexibility is allowed between personal service and
expense and equipment, and further provided that not more than three
percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service.....	\$554,107
Expense and Equipment.....	<u>16,344</u>
From General Revenue Fund (0101)	570,451

Personal Service.....	726,840
Expense and Equipment.....	<u>103,627</u>
From Department of Labor and Industrial Relations - Commission on Human Rights - Federal Fund (0117).....	830,467

For the Martin Luther King, Jr. State Celebration Commission, provided that not
more than three percent (3%) flexibility is allowed from this section to
Section 7.910

From General Revenue Fund (0101)	55,190
From Martin Luther King, Jr. State Celebration Commission Fund (0438).....	<u>5,000</u>
Total (Not to exceed 25.70 F.T.E.)	\$1,461,108

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

SECTION 7.910. — To the Department of Labor and Industrial Relations

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

From General Revenue Fund (0101)\$1

PART 2

SECTION 7.950. — To the Department of Economic Development, Department of Commerce and Insurance, and Department of Labor and Industrial Relations

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

PART 3

SECTION 7.1000. — To the Department of Economic Development and Department of Labor and Industrial Relations

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
7.030	4	\$2,000,000	0
7.035	9	\$2,000,000	0
7.115	3	\$10,000,000	0
7.130	6	\$650,000	0
7.135	30	\$250,000	0
7.135	36	\$300,000	0
7.135	40	\$100,000	0
7.136	4	\$500,000	0
7.137	3	\$500,000	0
7.140	7	\$324,694,749	0
7.142	4	\$142,000,000	0
7.880	29	\$48,000,000	0

Department of Economic Development Totals

General Revenue Fund.....\$71,836,644
 Federal Funds.....620,858,186
 Other Funds..... 39,565,234
 Total.....\$732,260,064

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

Department of Commerce and Insurance Totals

General Revenue Fund.....	\$1,055,961
Federal Funds.....	1,400,000
Other Funds.....	<u>63,730,873</u>
Total.....	\$66,186,834

Department of Labor & Industrial Relations Totals

General Revenue Fund.....	\$2,391,588
Federal Funds.....	166,270,102
Other Funds.....	<u>129,896,070</u>
Total.....	\$298,557,760

Approved June 30, 2021

CCS SCS HCS HB 8

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

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021, and ending June 30, 2022, as follows:

PART 1

SECTION 8.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part

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

3 of this act contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

SECTION 8.005. — To the Department of Public Safety

For the Office of the Director, provided three percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service.....	\$1,386,416
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,174
Expense and Equipment.....	<u>126,774</u>
From General Revenue Fund (0101)	1,514,364

Personal Service.....	342,208
Expense and Equipment.....	<u>420,154</u>
From Department of Public Safety Federal Fund (0152).....	762,362

Personal Service.....	373,724
Annual salary adjustment in accordance with Section 105.005, RSMo.....	41
Expense and Equipment.....	<u>1,162,735</u>
From Justice Assistance Grant Program Fund (0782).....	1,536,500

Personal Service.....	77,785
Expense and Equipment.....	<u>10,042</u>
From Services to Victims Fund (0592).....	87,827

Personal Service.....	550,518
Annual salary adjustment in accordance with Section 105.005, RSMo.....	78
Expense and Equipment.....	<u>1,453,268</u>
From Crime Victims' Compensation Fund (0681)	2,003,864

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

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

Personal Service.....	1,267,302
Expense and Equipment.....	<u>17,998,600</u>
From Department of Public Safety Federal Homeland Security Fund (0193)	19,265,902

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

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

Personal Service.....	47,750
Expense and Equipment.....	<u>3,455,000</u>
From Department of Public Safety Federal Fund (0152).....	3,502,750
Personal Service.....	94,858
Expense and Equipment.....	<u>813,000</u>
From MODEX Fund (0867).....	907,858
For drug task force grants, provided three percent (3%) be allowed for grant administration	
Personal Service.....	52,465
Expense and Equipment.....	<u>1,850,772</u>
From General Revenue Fund (0101).....	1,903,237
For Coronavirus Emergency Supplemental Fund (CESF) grants, provided no more than ten percent (10%) is allowed for administrative costs	
Personal Service.....	682,249
Expense and Equipment.....	<u>10,758,773</u>
From Coronavirus Emergency Supplemental Fund (0179).....	11,441,022
Funds are to be transferred out of the State Treasury to the 988 Public Safety Fund (8263)	
From General Revenue Fund (0101).....	500,000
For the purpose of providing services for peace officers and first responders to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event	
From 988 Public Safety (0863).....	500,000
Funds are to be transferred out of the State Treasury to the Economic Distress Zone Fund (8264)	
From General Revenue Fund (0101).....	500,000
For the purpose of providing funding to organizations registered with the IRS as a 501(c)(3) corporation that provides services to residents of the state in areas of high incidents of crime and deteriorating infrastructure for the purpose of deterring criminal behavior in such area	
From Economic Distress Zone Fund (0816).....	500,000
For the establishment and enhancement of local violent crime prevention programs in Missouri communities and improving the quality of crime data reporting in compliance with the National Incident-Based Reporting System	
From General Revenue Fund (0101).....	500,000
For officer safety equipment grants, provided no grant funds be expended for offensive weapons or equipment. Priority shall be given to departments displaying the greatest need and no individual grant award shall exceed seven thousand five hundred dollars	

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From General Revenue Fund (0101) 575,000
 Total (Not to exceed 72.05 F.T.E.) \$46,016,686

***SECTION 8.006.** — To the Department of Public Safety
 For the purpose of funding performance incentives for high-achieving
 department employees
 Personal Service
 From General Revenue Fund (0101) \$70,987
 From Federal and Other Funds (Various)..... 777,506
 Total..... \$848,493

*I hereby veto \$848,493, including \$70,987 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.
 From \$70,987 to \$0 from general revenue.
 From \$777,506 to \$0 from federal and other funds.
 From \$848,493 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 8.007. — To the Department of Public Safety
 For the Office of the Director
 For a statewide, competitively-bid school safety program
 From General Revenue Fund (0101) \$2,500,000

SECTION 8.010. — To the Department of Public Safety
 For the Office of the Director
 For the Juvenile Justice Delinquency Prevention Program
 From Department of Public Safety Federal Fund (0152)..... \$722,492

SECTION 8.015. — To the Department of Public Safety
 For the Office of the Director
 For the Narcotics Control Assistance Program and multi-jurisdictional task
 forces
 From Justice Assistance Grant Program Fund (0782)..... \$4,490,000

SECTION 8.020. — To the Department of Public Safety
 For the Office of the Director
 For the Missouri Sheriff Methamphetamine Relief Taskforce
 For supplementing deputy sheriffs' salary and related employment benefits
 pursuant to Section 57.278, RSMo
 From Deputy Sheriff Salary Supplementation Fund (0913)..... \$7,200,000

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SECTION 8.025. — To the Department of Public Safety
 For the Office of the Director
 For operating grants to local law enforcement cyber crimes task forces, provided
 three percent (3%) is allowed for grant administration and three percent (3%)
 flexibility is allowed from this section to Section 8.335
 Personal Service..... \$17,311
 Expense and Equipment..... 1,984,227
 From General Revenue Fund (0101)..... \$2,001,538

SECTION 8.030. — To the Department of Public Safety
 For the Office of the Director
 To provide financial assistance to the spouses, children, and other
 dependents of any local law enforcement officers, paramedics, emergency
 medical technicians, corrections officers, and/or firefighters who have lost
 their lives performing their duties. Deaths from natural causes, illnesses, or
 injuries are outside the program's scope, provided three percent (3%)
 flexibility is allowed from this section to Section 8.335
 From General Revenue Fund (0101)..... \$50,000

SECTION 8.035. — To the Department of Public Safety
 For the Office of the Director
 For the Services to Victims Program, provided three percent (3%) of each grant
 award be allowed for the administrative expenses of each grantee
 From Services to Victims Fund (0592)..... \$2,000,000

SECTION 8.040. — To the Department of Public Safety
 For the Office of the Director
 For the Violence Against Women Program
 From Department of Public Safety Federal Fund (0152)..... \$3,294,232

SECTION 8.045. — To the Department of Public Safety
 For the Office of the Director, provided three percent (3%) flexibility is allowed
 from this section to Section 8.335
 For the Crime Victims' Compensation Program
 From General Revenue Fund (0101)..... \$1,600,000
 From Department of Labor and Industrial Relations - Crime Victims - Federal
 Fund (0191)..... 3,900,000
 From Crime Victims' Compensation Fund (0681)..... 4,837,329
 Personal Service..... 62,418
 Expense and Equipment..... 160,000
 From Department of Labor and Industrial Relations - Crime Victims - Federal
 Fund (0191)..... 222,418
 For reimbursing SAFE-Care providers for performing forensic medical exams
 on children suspected of having been physically abused
 Personal Service..... 32,562
 Expense and Equipment..... 1,022,000

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From General Revenue Fund (0101)	<u>1,054,562</u>
Total (Not to exceed 1.00 F.T.E.).....	\$11,614,309

SECTION 8.050. — To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the Pretrial Witness

Protection Services Fund

From General Revenue Fund (0101)	\$1,000,000
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SECTION 8.055. — To the Department of Public Safety

For the Office of the Director

For witness protection services

From Pretrial Witness Protection Services Fund (0868).....	\$2,000,000
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SECTION 8.060. — To the Department of Public Safety

For the National Forensic Sciences Improvement Act Program

From Department of Public Safety Federal Fund (0152).....	\$250,000
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SECTION 8.065. — To the Department of Public Safety

For the State Forensic Laboratory Program

From State Forensic Laboratory Fund (0591).....	\$360,000
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SECTION 8.070. — To the Department of Public Safety

For the Office of the Director

For the Residential Substance Abuse Treatment Program

From Department of Public Safety Federal Fund (0152).....	\$742,000
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SECTION 8.075. — To the Department of Public Safety

For the Office of the Director

For peace officer training

From Peace Officer Standards and Training Commission Fund (0281).....	\$950,000
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SECTION 8.080. — To the Department of Public Safety

For the Capitol Police, provided five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service.....	\$1,771,059
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Expense and Equipment.....	<u>138,469</u>
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From General Revenue Fund (0101) (Not to exceed 40.00 F.T.E.).....	\$1,909,528
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SECTION 8.085. — To the Department of Public Safety

For the State Highway Patrol

For Administration, provided three percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service.....	\$349,376
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Expense and Equipment.....	<u>31,524</u>
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From General Revenue Fund (0101)	380,900
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Personal Service.....	6,777,729
Expense and Equipment.....	<u>527,891</u>
From State Highways and Transportation Department Fund (0644).....	7,305,620

Personal Service	
From Criminal Record System Fund (0671).....	32,125

Personal Service.....	37,571
Expense and Equipment.....	<u>12,965</u>
From Gaming Commission Fund (0286).....	50,536

Personal Service	
From Water Patrol Division Fund (0400).....	4,062

For the High-Intensity Drug Trafficking Area Program	
From Department of Public Safety Federal Fund (0152).....	<u>2,598,000</u>
Total (Not to exceed 124.00 F.T.E.).....	\$10,371,243

SECTION 8.090. — To the Department of Public Safety

For the State Highway Patrol

For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System and insurance premiums, provided three percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service.....	\$13,629,559
Expense and Equipment.....	<u>1,154,191</u>
From General Revenue Fund (0101).....	14,783,750

Personal Service.....	4,023,252
Expense and Equipment.....	<u>171,691</u>
From Department of Public Safety Federal Fund (0152).....	4,194,943

Personal Service.....	668,563
Expense and Equipment.....	<u>466,530</u>
From Gaming Commission Fund (0286).....	1,135,093

Personal Service.....	1,429,701
Expense and Equipment.....	<u>120,339</u>
From Water Patrol Division Fund (0400).....	1,550,040

Personal Service.....	89,603,584
Expense and Equipment.....	<u>7,295,799</u>
From State Highways and Transportation Department Fund (0644).....	96,899,383

Personal Service.....	3,821,755
Expense and Equipment.....	<u>271,773</u>
From Criminal Record System Fund (0671).....	4,093,528

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Personal Service.....	111,075
Expense and Equipment.....	<u>11,713</u>
From Highway Patrol Academy Fund (0674)	122,788
Personal Service.....	4,869
Expense and Equipment.....	<u>799</u>
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695).....	5,668
Personal Service.....	72,080
Expense and Equipment.....	<u>6,181</u>
From DNA Profiling Analysis Fund (0772)	78,261
Personal Service.....	73,972
Expense and Equipment.....	<u>5,488</u>
From Highway Patrol Traffic Records Fund (0758)	79,460
Personal Service.....	77,936
Expense and Equipment.....	<u>8,320</u>
From Highway Patrol Inspection Fund (0297)	<u>86,256</u>
Total.....	\$123,029,170

SECTION 8.095. — To the Department of Public Safety

For the State Highway Patrol

For the Enforcement Program, provided three percent (3%) flexibility is allowed
from this section to Section 8.335

Personal Service.....	\$11,690,157
Expense and Equipment.....	<u>2,191,837</u>
From General Revenue Fund (0101)	13,881,994

Personal Service.....	79,682,022
Expense and Equipment.....	<u>6,664,292</u>
From State Highways and Transportation Department Fund (0644)	86,346,314

Expense and Equipment, all expenditures must be in compliance with the
United States Department of Justice Equitable Sharing Program guidelines

From Federal Drug Seizure Fund (0194)	400,000
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Personal Service From Criminal Record System Fund (0671).....	15,914
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Expense and Equipment From Gaming Commission Fund (0286)	432,828
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Personal Service.....	8,372
Expense and Equipment.....	<u>397,625</u>
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695).....	405,997

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Expense and Equipment	
From Highway Patrol Traffic Records Fund (0758)	245,242
Personal Service	
From Water Patrol Division Fund (0400).....	194,092
For the Governor's Security Detail	
Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101) (Not to exceed 14.00 F.T.E.)	978,227
For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds	
Personal Service.....	5,440,033
Expense and Equipment.....	<u>5,854,322</u>
From Department of Public Safety Federal Fund (0152).....	11,294,355
For a statewide interoperable communication system	
Expense and Equipment	
From State Highways and Transportation Department Fund (0644)	<u>9,712,926</u>
Total (Not to exceed 1,315.00 F.T.E.)	\$123,907,889

SECTION 8.100. — To the Department of Public Safety

For the State Highway Patrol	
For the Water Patrol Division, provided three percent (3%) flexibility is allowed from this section to Section 8.335	
Personal Service.....	\$3,768,512
Expense and Equipment.....	<u>284,764</u>
From General Revenue Fund (0101)	4,053,276
Personal Service.....	298,005
Expense and Equipment.....	<u>2,225,990</u>
From Department of Public Safety Federal Fund (0152).....	2,523,995
Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines	
From Federal Drug Seizure Fund (0194)	16,499
Personal Service.....	1,793,192
Expense and Equipment.....	<u>1,244,744</u>
From Water Patrol Division Fund (0400).....	<u>3,037,936</u>
Total (Not to exceed 80.00 F.T.E.)	\$9,631,706

SECTION 8.105. — To the Department of Public Safety

For the State Highway Patrol
 For gasoline expenses for State Highway Patrol vehicles, including aircraft and Gaming Commission vehicles, provided three percent (3%) flexibility is allowed from this section to Section 8.335

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 Matter in bold-face type is proposed language.

Expense and Equipment	
From General Revenue Fund (0101)	\$438,238
From Gaming Commission Fund (0286)	755,366
From State Highways and Transportation Department Fund (0644)	<u>4,737,264</u>
Total	\$5,930,868

SECTION 8.110. — To the Department of Public Safety

For the State Highway Patrol

For the purchase of vehicles, aircraft, and watercraft for the State Highway Patrol and the Gaming Commission in accordance with Section 43.265, RSMo, also for maintenance and repair costs for vehicles, provided three percent (3%) flexibility is allowed from this section to Section 8.335

Expense and Equipment	
From General Revenue Fund (0101)	\$557,698
From State Highways and Transportation Department Fund (0644)	6,323,075
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695)	7,713,448
From Gaming Commission Fund (0286)	<u>549,074</u>
Total	\$15,143,295

SECTION 8.115. — To the Department of Public Safety

For the State Highway Patrol

For Crime Labs, provided three percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service	\$2,932,157
Expense and Equipment	<u>811,683</u>
From General Revenue Fund (0101)	3,743,840

For the purchase of an enhanced forensic capabilities program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases

From General Revenue Fund (0101)	1,000,000
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Personal Service	4,292,131
Expense and Equipment	<u>1,297,749</u>
From State Highways and Transportation Department Fund (0644)	5,589,880

Personal Service	69,241
Expense and Equipment	<u>1,478,305</u>
From DNA Profiling Analysis Fund (0772)	1,547,546

Personal Service	245,404
Expense and Equipment	<u>900,000</u>
From Department of Public Safety Federal Fund (0152)	1,145,404

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Matter in bold-face type is proposed language.

Personal Service.....	366,264
Expense and Equipment.....	<u>2,575</u>
From Criminal Record System Fund (0671).....	368,839
Expense and Equipment	
From State Forensic Laboratory Fund (0591).....	<u>357,633</u>
Total (Not to exceed 124.00 F.T.E.).....	\$13,753,142

SECTION 8.120. — To the Department of Public Safety

For the State Highway Patrol

For the Law Enforcement Academy, provided three percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service	
From General Revenue Fund (0101).....	\$37,168
Expense and Equipment	
From Department of Public Safety Federal Fund (0152).....	59,655
Personal Service.....	
Expense and Equipment.....	<u>186,939</u>
From Gaming Commission Fund (0286).....	256,379
Personal Service.....	
Expense and Equipment.....	<u>1,463,549</u>
From State Highways and Transportation Department Fund (0644).....	1,537,125
Personal Service.....	
Expense and Equipment.....	<u>108,957</u>
From Highway Patrol Academy Fund (0674).....	<u>581,717</u>
Total (Not to exceed 36.00 F.T.E.).....	\$2,581,001

SECTION 8.125. — To the Department of Public Safety

For the State Highway Patrol

For Vehicle and Driver Safety

Expense and Equipment	
From Department of Public Safety Federal Fund (0152).....	\$350,000
Personal Service.....	
Expense and Equipment.....	<u>11,631,545</u>
From State Highways and Transportation Department Fund (0644).....	1,060,790
Personal Service.....	
Expense and Equipment.....	<u>12,692,335</u>
From Highway Patrol Inspection Fund (0297).....	133,965
Total (Not to exceed 299.00 F.T.E.).....	<u>360,632</u>
	<u>494,597</u>
	\$13,536,932

SECTION 8.130. — To the Department of Public Safety

For the State Highway Patrol

For refunding unused motor vehicle inspection stickers

From State Highways and Transportation Department Fund (0644).....	\$100,000
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SECTION 8.135. — To the Department of Public Safety	
For the State Highway Patrol	
For Technical Services, provided three percent (3%) flexibility is allowed from this section to Section 8.335	
Personal Service.....	\$256,174
Expense and Equipment.....	<u>660,032</u>
From General Revenue Fund (0101).....	916,206
Personal Service.....	468,928
Expense and Equipment.....	<u>4,995,285</u>
From Department of Public Safety Federal Fund (0152).....	5,464,213
Personal Service.....	16,832,168
Expense and Equipment.....	<u>14,968,526</u>
From State Highways and Transportation Department Fund (0644).....	31,800,694
Personal Service.....	4,089,105
Expense and Equipment.....	<u>2,234,530</u>
For National Criminal Record Reviews	<u>3,000,000</u>
From Criminal Record System Fund (0671).....	9,323,635
For Livescan purchases, Livescan lease agreements in full, and Livescan maintenance costs incurred by local and county law enforcement	
From Criminal Record System Fund (0671).....	1,945,000
Personal Service.....	22,411
Expense and Equipment.....	<u>83,040</u>
From Gaming Commission Fund (0286).....	105,451
Personal Service	
From Highway Patrol Traffic Records Fund (0758)	86,262
Expense and Equipment	
From Criminal Justice Network and Technology Revolving Fund (0842)	<u>2,819,050</u>
Total (Not to exceed 356.00 F.T.E.)	<u>\$52,460,511</u>
SECTION 8.140. — To the Department of Public Safety	
For the State Highway Patrol	
For the recoupment, receipt, and disbursement of funds for equipment replacement and expenses	
Expense and Equipment	
From Highway Patrol Expense Fund (0793)	\$35,000
SECTION 8.145. — To the Department of Public Safety	
Funds are to be transferred out of the State Treasury to the State Road Fund pursuant to Section 307.365, RSMo	
From Highway Patrol Inspection Fund (0297)	\$2,000,000

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

SECTION 8.150. — To the Department of Public Safety
 For the Division of Alcohol and Tobacco Control

Personal Service.....	\$437,137
Expense and Equipment.....	<u>397,594</u>
From Department of Public Safety Federal Fund (0152).....	834,731
Personal Service.....	1,886,558
Expense and Equipment.....	<u>577,211</u>
From Division of Alcohol and Tobacco Control Fund (0544).....	<u>2,463,769</u>
Total (Not to exceed 36.00 F.T.E.).....	\$3,298,500

SECTION 8.155. — To the Department of Public Safety
 For the Division of Alcohol and Tobacco Control
 For refunds for unused liquor and beer licenses and for liquor and beer stamps
 not used and canceled

From General Revenue Fund (0101).....	\$55,000
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SECTION 8.160. — To the Department of Public Safety
 For the Division of Fire Safety, provided for all funds in this section, five percent
 (5%) flexibility is allowed between personal service and expense and equipment,
 no flexibility is allowed from expense and equipment to personal service and
 three percent (3%) flexibility is allowed from this section to Section 8.335

Personal Service.....	\$2,392,869
Expense and Equipment.....	<u>298,507</u>
From General Revenue Fund (0101).....	2,691,376
Personal Service.....	448,961
Expense and Equipment.....	<u>89,511</u>
From Elevator Safety Fund (0257).....	538,472
Personal Service.....	467,675
Expense and Equipment.....	<u>89,570</u>
From Boiler and Pressure Vessels Safety Fund (0744).....	557,245
Personal Service.....	92,600
Expense and Equipment.....	<u>44,487</u>
From Missouri Explosives Safety Act Administration Fund (0804).....	137,087
Expense and Equipment	
From Cigarette Fire Safety Standard and Firefighter Protection Act Fund (0937).....	17,448
To allow the State Fire Marshal's Office to disburse a grant for the purpose of establishing the voluntary firefighter cancer benefits pool	
From General Revenue Fund (0101).....	5,000,000
To allow the State Fire Marshal to disburse grants to any applying volunteer fire protection association for the purpose of funding such association's costs related to worker's compensation premiums for volunteer firefighters	

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

From General Revenue Fund (0101)	\$75,000
Total (Not to exceed 67.92 F.T.E.)	\$9,516,628

SECTION 8.165. — To the Department of Public Safety

For the Division of Fire Safety

For the Fire Safe Cigarette Program

Personal Service.....	\$22,083
Expense and Equipment.....	10,204
From Cigarette Fire Safety Standard and Firefighter Protection Act Fund (0937).....	\$32,287

SECTION 8.170. — To the Department of Public Safety

For the Division of Fire Safety

For firefighter training contracted services, provided three percent (3%) flexibility is allowed from this section to Section 8.335

Expense and Equipment	
From General Revenue Fund (0101)	\$480,000
From Chemical Emergency Preparedness Fund (0587).....	100,000
From Fire Education Fund (0821)	250,000

For Missouri Fire Service Funeral Assistance Team training and equipment

Expense and Equipment	
From General Revenue Fund (0101)	20,000
Total.....	\$850,000

SECTION 8.175. — To the Department of Public Safety

For the Missouri Veterans' Commission

For Administration and Service to Veterans

Personal Service.....	\$4,892,685
Expense and Equipment.....	1,470,997
From Veterans Commission Capital Improvement Trust Fund (0304)	6,363,682

Expense and Equipment	
From Veterans' Trust Fund (0579).....	23,832
Total (Not to exceed 117.21 F.T.E.)	\$6,387,514

SECTION 8.177. — To the Department of Public Safety

For the Missouri Veterans' Commission

For housing assistance for veterans

From State Emergency Management Federal Stimulus Fund (2335).....	\$1,800,000
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SECTION 8.180. — To the Department of Public Safety

For the Missouri Veterans' Commission

For the restoration, renovation, and maintenance of a World War I Memorial

From World War I Memorial Trust Fund (0993)	\$150,000
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Matter in bold-face type is proposed language.

SECTION 8.185. — To the Department of Public Safety
 For the Missouri Veterans' Commission
 For veterans' health and safety initiatives
 From Veterans Assistance Fund (0461)\$4,557,800

SECTION 8.190. — To the Department of Public Safety
 For the Missouri Veterans' Commission
 For a veterans' service portal to be managed with the Office of the Missouri
 Military Advocate
 From Veterans Assistance Fund (0461) \$150,000

SECTION 8.195. — To the Department of Public Safety
 For the Missouri Veterans' Commission
 For the Veterans' Service Officer Program
 From Veterans Commission Capital Improvement Trust Fund (0304) \$1,600,000

SECTION 8.200. — To the Department of Public Safety
 For the Missouri Veterans' Commission
 For Missouri Veterans' Homes
 Personal Service.....\$59,363,774
 Expense and Equipment..... 24,261,332
 From Missouri Veterans' Homes Fund (0460)..... 83,625,106

 Expense and Equipment
 From Veterans' Trust Fund (0579)..... 51,536

 Personal Service
 From Veterans Commission Capital Improvement Trust Fund (0304)..... 31,656

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

For overtime to state employees. Non-exempt state employees identified by
 Section 105.935, RSMo, will be paid first with any remaining funds being
 used to pay overtime to any other state employees
 From Missouri Veterans' Homes Fund (0460)..... 1,685,792
 Total (Not to exceed 1,636.48 F.T.E.)\$86,668,490

SECTION 8.205. — To the Department of Public Safety
 For the Missouri Veterans' Commission
 For the operations of Veterans' Homes and cemeteries, utilities, systems
 furniture, and structural modifications
 From Veterans Commission Capital Improvement Trust Fund (0304)\$3,448,501

SECTION 8.210. — To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the
 Missouri Veterans' Homes Fund

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

From Veterans Commission Capital Improvement Trust Fund (0304)	\$30,000,000
From State Emergency Management Federal Stimulus Fund (2335)	<u>7,000,000</u>
Total	\$37,000,000

SECTION 8.215. — To the Department of Public Safety

For the Gaming Commission

For the Divisions of Gaming and Bingo

Personal Service	\$15,329,912
Expense and Equipment	<u>1,731,187</u>
From Gaming Commission Fund (0286)	17,061,099

Expense and Equipment

From Compulsive Gamblers Fund (0249)	<u>56,310</u>
Total (Not to exceed 232.75 F.T.E.)	\$17,117,409

SECTION 8.220. — To the Department of Public Safety

For the Gaming Commission

For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, and insurance premiums for State Highway Patrol employees assigned to work under the direction of the Gaming Commission

Personal Service	\$7,089,567
Expense and Equipment	<u>267,317</u>
From Gaming Commission Fund (0286)	\$7,356,884

SECTION 8.225. — To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount that is credited to the Gaming Commission Fund

From Gaming Commission Fund (0286)	\$100,000
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SECTION 8.230. — To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount received for bingo fees

From Bingo Proceeds for Education Fund (0289)	\$5,000
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SECTION 8.235. — To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount that is credited to the Gaming Proceeds for Education Fund

From Gaming Proceeds for Education Fund (0285)	\$50,000
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SECTION 8.240. — To the Department of Public Safety

For the Gaming Commission

For breeder incentive payments

From Missouri Breeders Fund (0605)	\$5,000
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SECTION 8.245. — To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the Veterans
 Commission Capital Improvement Trust Fund
 From Gaming Commission Fund (0286)\$22,000,000

SECTION 8.250. — To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the Missouri National
 Guard Trust Fund
 From Gaming Commission Fund (0286)\$4,000,000

SECTION 8.255. — To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the Access Missouri
 Financial Assistance Fund
 From Gaming Commission Fund (0286)\$5,000,000

SECTION 8.260. — To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the Compulsive
 Gamblers Fund
 From Gaming Commission Fund (0286) \$194,181

SECTION 8.265. — To the Adjutant General
 For Missouri Military Forces Administration, provided three percent (3%)
 flexibility is allowed from this section to Section 8.335
 Personal Service.....\$1,103,446
 Expense and Equipment..... 108,057
 From General Revenue Fund (0101) 1,211,503

Expense and Equipment, all expenditures must be in compliance with the
 United States Department of Justice Equitable Sharing Program guidelines
 From Federal Drug Seizure Fund (0194) 240,622
 Total (Not to exceed 27.48 F.T.E.)\$1,452,125

SECTION 8.270. — To the Adjutant General
 For activities in support of the Missouri National Guard, including the National
 Guard Tuition Assistance Program and the Military Honors Program,
 provided three percent (3%) flexibility is allowed from this section to
 Section 8.335
 Personal Service.....\$40,628
 Expense and Equipment..... 3,343,957
 From General Revenue Fund (0101) 3,384,585

Personal Service..... 1,382,751
 Expense and Equipment..... 3,226,247
 From Missouri National Guard Trust Fund (0900) 4,608,998
 Total (Not to exceed 43.40 F.T.E.)\$7,993,583

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 Matter in bold-face type is proposed language.

SECTION 8.275. — To the Adjutant General	
For maintenance and repair of the U.S.S. Missouri Memorial at Pearl Harbor, provided that three percent (3%) flexibility is allowed from this section to Section 8.335	
From General Revenue Fund (0101)	\$50,000
SECTION 8.280. — To the Adjutant General	
For the Veterans Recognition Program	
Personal Service.....	\$101,438
Expense and Equipment.....	<u>536,732</u>
From Veterans Commission Capital Improvement Trust Fund (0304) (Not to exceed 3.00 F.T.E.).....	\$638,170
SECTION 8.285. — To the Adjutant General	
For Missouri Military Forces Field Support, provided three percent (3%) flexibility is allowed from this section to Section 8.335	
Personal Service.....	\$711,977
Expense and Equipment.....	<u>1,711,217</u>
From General Revenue Fund (0101)	2,423,194
Personal Service.....	108,653
Expense and Equipment.....	<u>98,417</u>
From Adjutant General - Federal Fund (0190)	<u>207,070</u>
Total (Not to exceed 37.37 F.T.E.)	\$2,630,264
SECTION 8.290. — To the Adjutant General	
For operational expenses at armories from armory rental fees Expense and Equipment	
From Adjutant General Revolving Fund (0530).....	\$55,000
SECTION 8.295. — To the Adjutant General	
For the Missouri Military Family Relief Program	
Expense and Equipment.....	\$10,000
For grants to family members of the National Guard and reservists who are in financial need	<u>140,000</u>
From Missouri Military Family Relief Fund (0719)	\$150,000
SECTION 8.300. — To the Adjutant General	
For training site operating costs Expense and Equipment	
From Missouri National Guard Training Site Fund (0269)	\$330,000
SECTION 8.305. — To the Adjutant General	
For Missouri Military Forces Contract Services, provided three percent (3%) flexibility is allowed from this section to Section 8.335	

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Personal Service.....	\$470,848
Expense and Equipment.....	<u>19,773</u>
From General Revenue Fund (0101)	490,621
Personal Service.....	14,604,154
Expense and Equipment.....	<u>16,805,354</u>
From Adjutant General - Federal Fund (0190)	31,409,508
Personal Service	
From Missouri National Guard Training Site Fund (0269)	21,970
Expense and Equipment	
From Missouri National Guard Trust Fund (0900)	673,925
For refund of federal overpayments to the state for the Contract Services Program	
From Adjutant General - Federal Fund (0190)	<u>865,561</u>
Total (Not to exceed 376.80 F.T.E.)	\$33,461,585

SECTION 8.310. — To the Adjutant General

For the Office of Air Search and Rescue, provided three percent (3%) flexibility
is allowed from this section to Section 8.335

Expense and Equipment	
From General Revenue Fund (0101)	\$31,243

SECTION 8.315. — To the Department of Public Safety

For the State Emergency Management Agency

For Administration and Emergency Operations, provided three percent (3%)
flexibility is allowed from this section to Section 8.335

Personal Service.....	\$1,587,599
Expense and Equipment.....	<u>203,090</u>
From General Revenue Fund (0101)	1,790,689
Personal Service.....	1,886,925
Expense and Equipment.....	<u>908,165</u>
From State Emergency Management - Federal Fund (0145).....	2,795,090
Personal Service.....	297,010
Expense and Equipment.....	<u>27,350</u>
From Missouri Disaster Fund (0663).....	324,360
Personal Service.....	1,722,089
Expense and Equipment.....	<u>1,059,811</u>
From Department of Health and Senior Services - Federal Fund (0143)	2,781,900
Personal Service.....	172,244
Expense and Equipment.....	<u>85,117</u>
From Chemical Emergency Preparedness Fund (0587).....	257,361
Total (Not to exceed 94.49 F.T.E.)	\$7,949,400

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SECTION 8.320. — To the Department of Public Safety
 For the State Emergency Management Agency
 For the Missouri Task Force 1
 For expenses of Missouri Task Force 1, a division of the Boone County Fire Protection District, when it responds to emergencies and disasters in the State of Missouri and conducts annual training and exercises. These expenses may include, but are not limited to personnel salaries and benefits, supplies, and repair or replacement of damaged equipment, provided three percent (3%) flexibility is allowed from this section to Section 8.335
 From General Revenue Fund (0101) \$225,000

SECTION 8.325. — To the Department of Public Safety
 For the State Emergency Management Agency
 For the Community Right-to-Know Act
 From Chemical Emergency Preparedness Fund (0587)..... \$650,000
 For local emergency planning commissions to implement the federal Hazardous Materials Transportation Uniform Safety Act of 1990
 From State Emergency Management - Federal Fund (0145)..... 750,000
 Total..... \$1,400,000

SECTION 8.330. — To the Department of Public Safety
 For the State Emergency Management Agency
 For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for administrative and training expenses of the State Emergency Management Agency and for first responder training programs, provided three percent (3%) flexibility is allowed from this section to Section 8.335
 From State Emergency Management - Federal Fund (0145)..... \$19,262,386
 For all allotments, grants, and contributions from federal and othersources that are deposited in the State Treasury for the use of the State Emergency Management Agency for alleviating distress from disasters
 Personal Service..... 60,307
 Expense and Equipment..... 1,103,389
 Program Distribution..... 99,945,000
 From Missouri Disaster Fund (0663)..... 101,108,696
 For matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo
 From General Revenue Fund (0101) 10,000,000
 For expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief
 From General Revenue Fund (0101) 3,190,729
 Total..... \$133,561,811

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SECTION 8.331. — To the Department of Public Safety
 For the State Emergency Management Agency
 For expenses of any state agency responding to COVID-19
 From State Emergency Management Federal Stimulus Fund (2335).....\$172,800,000

SECTION 8.335. — To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the State Legal
 Expense Fund for the payment of claims, premiums, and expenses as
 provided by Section 105.711 through 105.726, RSMo
 From General Revenue Fund (0101)\$1

PART 2

SECTION 8.400. — To the Department of Public Safety
 In reference to all sections in Part 1 of this act:
 No funds shall be spent for any flight on a state aircraft where an elected
 official will be on board without a flight plan being made publicly available
 via a global aviation data services organization that operates both a website
 and mobile application which provides free flight tracking of both private
 and commercial aircraft.

SECTION 8.405. — To the Department of Public Safety
 In reference to all sections in Part 1 of this act:
 No funds shall be expended for or from any federal grant in furtherance of
 administrative costs greater than five percent (5%) of said federal grant
 amount or in accordance with grant guidelines.

PART 3

SECTION 8.500. — To the Department of Public Safety

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
8.005	57	\$500,000	0
8.005	62	\$500,000	0
8.005	65	\$500,000	0
8.005	71	\$500,000	0
8.080	7	\$29,917	0
8.085	6	\$20,000	0
8.095	6	\$110,682	0
8.100	16	\$404,744	0

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8.110	9	\$286,154	0
8.115	12	\$1,000,000	0
8.135	6	\$364,547	0
8.150	6	\$124,200	0
8.160	8	\$116,046	0
8.160	11	\$34,896	0
8.160	14	\$34,896	0
8.160	17	\$32,460	0
8.160	21	\$17,448	0
8.160	25	\$5,000,000	0
8.160	30	\$575,000	0
8.177	4	\$1,800,000	0
8.210	5	\$7,000,000	0
8.331	4	\$172,800,000	0

Bill Totals

General Revenue Fund.....	\$88,014,454
Federal Funds.....	419,732,039
Other Funds.....	463,110,776
Total.....	\$970,857,269

Approved June 30, 2021

CCS SCS HCS HB 9
Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other

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purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021, and ending June 30, 2022, as follows:

SECTION 9.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

SECTION 9.005. — To the Department of Corrections
For the Office of the Director, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service.....	\$4,318,194
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,331
Expense and Equipment.....	<u>106,102</u>
From General Revenue Fund (0101)	4,425,627
Personal Service.....	71,260
Expense and Equipment.....	<u>1,800</u>
From Inmate Fund (0540).....	73,060
Personal Service.....	37,185
Expense and Equipment.....	<u>532</u>
From Crime Victims' Compensation Fund (0681)	37,717
For Family Support Services	
From General Revenue Fund (0101)	384,093
From Department of Corrections - Federal Fund (0130)	<u>71,024</u>
Total (Not to exceed 90.50 F.T.E.)	\$4,991,521

***SECTION 9.006.** — To the Department of Corrections
For the purpose of funding performance incentives for high-achieving department employees

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Matter in bold-face type is proposed language.

Personal Service	
From General Revenue Fund (0101)	\$1,010,756
From Federal and Other Funds (Various).....	<u>65,992</u>
Total.....	\$1,076,748

*I hereby veto \$1,076,748, including \$1,010,756 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.
 From \$1,010,756 to \$0 from general revenue.
 From \$65,992 to \$0 from federal and other funds.
 From \$1,076,748 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 9.010. — To the Department of Corrections
 For the Office of Professional Standards, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service.....	\$2,716,098
Expense and Equipment.....	<u>121,310</u>
From General Revenue Fund (0101) (Not to exceed 54.00 F.T.E.).....	\$2,837,408

SECTION 9.015. — To the Department of Corrections
 For the Office of the Director
 For the Offender Reentry Program, provided three percent (3%) flexibility is allowed from this section to Section 9.275

Expense and Equipment	
From General Revenue Fund (0101)	\$1,800,001

Expense and Equipment	
From Inmate Fund (0540).....	133,060

For a Kansas City Reentry Program

Expense and Equipment	
From General Revenue Fund (0101)	178,000

For a pay for performance agreement with private programs to reduce the rate of recidivism which would reimburse such programs based on a percentage of an amount on which the state benefited

From General Revenue Fund (0101)	<u>2,500,000</u>
Total.....	\$4,611,061

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 Matter in bold-face type is proposed language.

SECTION 9.020. — To the Department of Corrections

For the Office of the Director

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

Personal Service.....\$2,581,401
Expense and Equipment..... 4,307,434

From Department of Corrections - Federal Fund (0130) 6,888,835

For contributions, gifts, and grants in support of a foster care dog program to increase the adoptability of shelter animals and train service dogs for the disabled

From State Institutions Gift Trust Fund (0925)..... 75,000

Total (Not to exceed 43.00 F.T.E.)\$6,963,835

SECTION 9.025. — To the Department of Corrections

For the Office of the Director

For Justice Reinvestment services, provided three percent (3%) flexibility is allowed from this section to Section 9.275

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

SECTION 9.030. — To the Department of Corrections

For the Office of the Director

For costs associated with supervising the offender population department-wide including, but not limited to, funding for personal service, expense and equipment, contractual services, repairs, renovations, capital improvements, and compensatory time, provided thirty percent (30%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service.....\$467,494
Expense and Equipment..... 935,418

From General Revenue Fund (0101)\$1,402,912

SECTION 9.035. — To the Department of Corrections

For the Office of the Director

For restitution payments for those wrongly convicted, provided three percent (3%) flexibility is allowed from this section to Section 9.275

From General Revenue Fund (0101)\$36,500

SECTION 9.040. — To the Department of Corrections

For the Division of Human Services

For telecommunications department-wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

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Matter in bold-face type is proposed language.

Expense and Equipment
 From General Revenue Fund (0101)\$1,860,529

SECTION 9.045. — To the Department of Corrections

For the Division of Human Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service.....\$9,643,534
 Expense and Equipment..... 993,930
 From General Revenue Fund (0101) (Not to exceed 223.02 F.T.E.).....\$10,637,464

SECTION 9.050. — To the Department of Corrections

For the Division of Human Services

For general services, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Expense and Equipment
 From General Revenue Fund (0101)\$414,882

SECTION 9.055. — To the Department of Corrections

For the Division of Human Services

For the operation of institutional facilities, utilities, systems furniture and structural modifications, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Expense and Equipment
 From General Revenue Fund (0101)\$26,881,365
 From Working Capital Revolving Fund (0510)..... 1,425,607
 Total.....\$28,306,972

SECTION 9.060. — To the Department of Corrections

For the Division of Human Services

For the purchase, transportation, and storage of food and food service items, and operational expenses of food preparation facilities at all correctional institutions, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Expense and Equipment
 From General Revenue Fund (0101)\$27,569,705

SECTION 9.065. — To the Department of Corrections

For the Division of Human Services

For training costs department-wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Expense and Equipment
 From General Revenue Fund (0101)\$765,101

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SECTION 9.070. — To the Department of Corrections
 For the Division of Human Services
 For employee health and safety, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275
 Expense and Equipment
 From General Revenue Fund (0101) \$582,511

SECTION 9.075. — To the Department of Corrections
 For the Division of Human Services
 For overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275
 Personal Service
 From General Revenue Fund (0101) \$6,379,863
 From Inmate Canteen Fund (0405)..... 50,500
 From Working Capital Revolving Fund (0510)..... 50,500
 Total..... \$6,480,863

SECTION 9.080. — To the Department of Corrections
 For the Division of Adult Institutions
 For expenses and small equipment purchased at any of the adult institutions department-wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275
 From General Revenue Fund (0101) \$21,557,714
 From Inmate Incarceration Reimbursement Act Revolving Fund (0828)..... 750,000
 For Vehicle Purchases
 From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) 1,000,000
 For expenses related to offender education, recreation, and/or religious services
 From Inmate Canteen Fund (0405)..... 1,200,000
 Total..... \$24,507,714

SECTION 9.085. — To the Department of Corrections
 For the Division of Adult Institutions, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275
 Personal Service..... \$3,556,341
 Expense and Equipment..... 131,573
 From General Revenue Fund (0101) (Not to exceed 72.91 F.T.E.) \$3,687,914

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SECTION 9.090. — To the Department of Corrections

For the Division of Adult Institutions

For inmate wage and discharge costs at all correctional facilities, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Expense and Equipment

From General Revenue Fund (0101)	\$3,259,031
From Inmate Canteen Fund (0405).....	<u>800,000</u>
Total.....	\$4,059,031

SECTION 9.095. — To the Department of Corrections

For the Division of Adult Institutions

For the Jefferson City Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$20,635,303
From Working Capital Revolving Fund (0510).....	156,377
From Inmate Canteen Fund (0405).....	<u>70,209</u>
Total (Not to exceed 526.00 F.T.E.)	\$20,861,889

SECTION 9.100. — To the Department of Corrections

For the Division of Adult Institutions

For the Women's Eastern Reception, Diagnostic and Correctional Center at Vandalia, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$13,393,595
From Working Capital Revolving Fund (0510).....	38,899
From Inmate Canteen Fund (0405).....	<u>72,846</u>
Total (Not to exceed 337.00 F.T.E.)	\$13,505,340

SECTION 9.105. — To the Department of Corrections

For the Division of Adult Institutions

For the Ozark Correctional Center at Fordland, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$6,730,179
From Inmate Canteen Fund (0405).....	<u>77,593</u>
Total (Not to exceed 164.00 F.T.E.)	\$6,807,772

SECTION 9.110. — To the Department of Corrections

For the Division of Adult Institutions

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

For the Moberly Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$15,509,667
From Working Capital Revolving Fund (0510).....	71,667
From Inmate Canteen Fund (0405).....	<u>74,768</u>
Total (Not to exceed 386.00 F.T.E.)	\$15,656,102

SECTION 9.115. — To the Department of Corrections

For the Division of Adult Institutions

For the Algoa Correctional Center at Jefferson City, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$11,489,276
From Inmate Canteen Fund (0405).....	<u>71,427</u>
Total (Not to exceed 288.00 F.T.E.)	\$11,560,703

SECTION 9.120. — To the Department of Corrections

For the Division of Adult Institutions

For the Missouri Eastern Correctional Center at Pacific, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$12,870,442
From Inmate Canteen Fund (0405).....	<u>70,822</u>
Total (Not to exceed 328.00 F.T.E.)	\$12,941,264

SECTION 9.125. — To the Department of Corrections

For the Division of Adult Institutions

For the Chillicothe Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$17,002,679
From Working Capital Revolving Fund (0510).....	38,899
From Inmate Canteen Fund (0405).....	<u>73,806</u>
Total (Not to exceed 446.02 F.T.E.)	\$17,115,384

SECTION 9.130. — To the Department of Corrections

For the Division of Adult Institutions

For the Boonville Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

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

From General Revenue Fund (0101)	\$10,796,961
From Inmate Canteen Fund (0405).....	<u>74,693</u>
Total (Not to exceed 266.00 F.T.E.)	\$10,871,654

SECTION 9.135. — To the Department of Corrections

For the Division of Adult Institutions

For the Farmington Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$22,324,046
From Working Capital Revolving Fund (0510).....	432,844
From Inmate Canteen Fund (0405).....	<u>77,351</u>
Total (Not to exceed 558.00 F.T.E.)	\$22,834,241

SECTION 9.140. — To the Department of Corrections

For the Division of Adult Institutions

For the Western Missouri Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$18,938,443
From Inmate Canteen Fund (0405).....	<u>77,635</u>
Total (Not to exceed 483.00 F.T.E.)	\$19,016,078

SECTION 9.145. — To the Department of Corrections

For the Division of Adult Institutions

For the Potosi Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$13,405,600
From Working Capital Revolving Fund (0510).....	38,899
From Inmate Canteen Fund (0405).....	<u>39,704</u>
Total (Not to exceed 333.00 F.T.E.)	\$13,484,203

SECTION 9.150. — To the Department of Corrections

For the Division of Adult Institutions

For the Fulton Reception and Diagnostic Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$16,696,237
From Inmate Canteen Fund (0405).....	<u>73,779</u>
Total (Not to exceed 426.00 F.T.E.)	\$16,770,016

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

SECTION 9.155. — To the Department of Corrections

For the Division of Adult Institutions

For the Tipton Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$11,023,224
From Working Capital Revolving Fund (0510).....	38,899
From Inmate Canteen Fund (0405).....	<u>75,631</u>
Total (Not to exceed 271.00 F.T.E.)	\$11,137,754

SECTION 9.160. — To the Department of Corrections

For the Division of Adult Institutions

For the Western Reception, Diagnostic and Correctional Center at St. Joseph, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$19,764,372
From Inmate Canteen Fund (0405).....	<u>72,303</u>
Total (Not to exceed 506.00 F.T.E.)	\$19,836,675

SECTION 9.165. — To the Department of Corrections

For the Division of Adult Institutions

For the Maryville Treatment Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$7,223,538
From Inmate Canteen Fund (0405).....	<u>33,939</u>
Total (Not to exceed 176.58 F.T.E.)	\$7,257,477

SECTION 9.170. — To the Department of Corrections

For the Division of Adult Institutions

For the Crossroads Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$452,729
From Working Capital Revolving Fund (0510).....	<u>39,289</u>
Total (Not to exceed 12.00 F.T.E.)	\$492,018

SECTION 9.175. — To the Department of Corrections

For the Division of Adult Institutions

For the Northeast Correctional Center at Bowling Green, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

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

Personal Service	
From General Revenue Fund (0101)	\$20,294,792
From Inmate Canteen Fund (0405).....	<u>71,971</u>
Total (Not to exceed 525.00 F.T.E.)	\$20,366,763

SECTION 9.180. — To the Department of Corrections

For the Division of Adult Institutions

For the Eastern Reception, Diagnostic and Correctional Center at Bonne Terre, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$23,298,611
From Working Capital Revolving Fund (0510).....	38,899
From Inmate Canteen Fund (0405).....	<u>73,617</u>
Total (Not to exceed 607.00 F.T.E.)	\$23,411,127

SECTION 9.185. — To the Department of Corrections

For the Division of Adult Institutions

For the South Central Correctional Center at Licking, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$16,160,397
From Working Capital Revolving Fund (0510).....	77,799
From Inmate Canteen Fund (0405).....	<u>71,762</u>
Total (Not to exceed 411.00 F.T.E.)	\$16,309,958

SECTION 9.190. — To the Department of Corrections

For the Division of Adult Institutions

For the Southeast Correctional Center at Charleston, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101)	\$15,756,237
From Working Capital Revolving Fund (0510).....	77,800
From Inmate Canteen Fund (0405).....	<u>73,319</u>
Total (Not to exceed 407.00 F.T.E.)	\$15,907,356

SECTION 9.200. — To the Department of Corrections

For the Division of Offender Rehabilitative Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service..... \$1,547,568

Expense and Equipment..... 48,166

From General Revenue Fund (0101) (Not to exceed 25.15 F.T.E.)..... \$1,595,734

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

SECTION 9.205. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For contractual services for offender physical and mental health care, provided
 ten percent (10%) flexibility is allowed between sections and three percent
 (3%) flexibility is allowed from this section to Section 9.275
 Expense and Equipment
 From General Revenue Fund (0101)\$152,792,694

For a pilot program to ensure the availability and use of all medication-assisted
 treatment products approved by the FDA to treat opioid use disorder,
 including but not limited to those specified in 191.1165, in conjunction with
 treatment for incarcerated offenders
 From State Emergency Management Federal Stimulus Fund (2335)..... 1,500,000
 Total.....\$154,292,694

SECTION 9.215. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For substance use and recovery services, provided ten percent (10%) flexibility
 is allowed between personal service and expense and equipment, ten percent
 (10%) flexibility is allowed between sections and three percent (3%)
 flexibility is allowed from this section to Section 9.275
 Personal Service.....\$4,252,637
 Expense and Equipment..... 4,749,581
 From General Revenue Fund (0101)9,002,218

Expense and Equipment
 From Correctional Substance Abuse Earnings Fund (0853) 40,000
 Total (Not to exceed 109.00 F.T.E.)\$9,042,218

SECTION 9.220. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For toxicology testing, provided ten percent (10%) flexibility is allowed between
 sections and three percent (3%) flexibility is allowed from this section to
 Section 9.275
 Expense and Equipment
 From General Revenue Fund (0101)\$517,145

SECTION 9.225. — To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For offender education, provided ten percent (10%) flexibility is allowed
 between sections and three percent (3%) flexibility is allowed from this
 section to Section 9.275
 Personal Service
 From General Revenue Fund (0101)\$7,926,854

Personal Service..... 812,459
 Expense and Equipment..... 1,600,000

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

From Inmate Canteen Fund (0405).....	2,412,459
Total (Not to exceed 208.00 F.T.E.)	\$10,339,313

SECTION 9.230. — To the Department of Corrections

For the Division of Offender Rehabilitative Services

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

Personal Service.....	\$7,079,784
Expense and Equipment.....	19,300,318

For an enterprise resource planning system for Missouri Correctional

Enterprises	500,000
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From Working Capital Revolving Fund (0510) (Not to exceed 197.88 F.T.E.)\$26,880,102

SECTION 9.235. — To the Department of Corrections

For the Division of Probation and Parole, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service.....	\$70,749,769
Expense and Equipment.....	3,715,445

From General Revenue Fund (0101) 74,465,214

Expense and Equipment

From Inmate Fund (0540)..... 1,936,924

For transfers and refunds set-off against debts as required by Section 143.786,
RSMo

From Debt Offset Escrow Fund (0753).....	2,600,000
Total (Not to exceed 1,686.31 F.T.E.)	\$79,002,138

SECTION 9.240. — To the Department of Corrections

For the Division of Probation and Parole

For the Transition Center of St. Louis, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service

From General Revenue Fund (0101) (Not to exceed 123.36 F.T.E.).....\$5,079,962

SECTION 9.241. — To the Department of Corrections

For the Transition Center of Kansas City, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

From General Revenue Fund (0101)	\$4,202,346
From Inmate Canteen (0405).....	38,711
From Inmate Fund (0540).....	53,507

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

Expense and Equipment	
From the State Institutions Gift Trust Fund (0925).....	<u>\$500,000</u>
Total (Not to exceed 109.18 F.T.E.)	\$4,794,564

SECTION 9.245. — To the Department of Corrections
For the Division of Probation and Parole
For the Command Center, provided ten percent (10%) flexibility is allowed
between sections and three percent (3%) flexibility is allowed from this
section to Section 9.275

Personal Service.....	\$669,060
Expense and Equipment.....	<u>4,900</u>
From General Revenue Fund (0101) (Not to exceed 16.40 F.T.E.)	\$673,960

SECTION 9.250. — To the Department of Corrections
For the Division of Probation and Parole community corrections program
For low-risk offender supervision
Expense and Equipment, provided fifteen percent (15%) flexibility
is allowed between sections 9.250, 9.251 and 9.252

From Inmate Fund (0540).....	\$1,000,000
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SECTION 9.251. — To the Department of Corrections
For the Division of Probation and Parole
For residential treatment services
Expense and Equipment, provided fifteen percent (15%) flexibility
is allowed between sections 9.250, 9.251 and 9.252

From Inmate Fund (0540).....	\$3,298,240
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SECTION 9.252. — To the Department of Corrections
For the Division of Probation and Parole
For electronic monitoring
Expense and Equipment, provided fifteen percent (15%) flexibility
is allowed between sections 9.250, 9.251 and 9.252

From Inmate Fund (0540).....	\$1,780,289
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SECTION 9.255. — To the Department of Corrections
For the Division of Probation and Parole
For community supervision centers, provided ten percent (10%) flexibility is
allowed between personal service and expense and equipment, ten percent
(10%) flexibility is allowed between sections and three percent (3%)
flexibility is allowed from this section to Section 9.275

Personal Service.....	\$4,940,848
Expense and Equipment.....	<u>436,345</u>
From General Revenue Fund (0101) (Not to exceed 135.42 F.T.E.).....	\$5,377,193

SECTION 9.260. — To the Department of Corrections
For the Division of Probation and Parole

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

For Parole Board Operations, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.275

Personal Service.....	\$1,802,166
Annual salary adjustment in accordance with Section 105.005, RSMo.....	6,511
Expense and Equipment.....	<u>32,475</u>
From General Revenue Fund (0101) (Not to exceed 38.00 F.T.E.).....	\$1,841,152

SECTION 9.265. — To the Department of Corrections

For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state penitentiaries, housing, costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo, provided ten percent (10%) flexibility is allowed between reimbursements to county jails, certificates of delivery and extradition payments

For Reimbursements to County Jails at the rate of \$22.58 per prisoner per day	\$39,850,272
For Certificates of Delivery	1,960,000
For Extradition Payments	1,960,000
For the payment of arrearages	
From General Revenue Fund (0101)	<u>14,310,676</u>
Total.....	\$58,080,948

SECTION 9.267. — To the Department of Corrections

For payments to counties and cities that operate jails or detention facilities eligible for reimbursement under Section 221.105, RSMo. for the provision of appropriate feminine hygiene products to prisoners. Funds shall be distributed by the department in one annual payment to each county/city based on each county's/city's percent of the total population in eligible counties/cities as determined by the most recent census

From General Revenue Fund (0101)	\$240,000
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SECTION 9.270. — To the Department of Corrections

For operating department institutional canteens for offender use and benefit. Per Section 217.195, RSMo, fund expenditures are solely to improve offender recreational, religious, or educational services, and for canteen cash flow and operating expenses

Expense and Equipment	
From Inmate Canteen Fund (0405).....	\$29,813,375

SECTION 9.275. — To the Department of Corrections

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

From General Revenue Fund (0101)	\$1
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

PART 2

SECTION 9.400. — To the Department of Corrections

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

PART 3

SECTION 9.500. — To the Department of Corrections

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
9.015	15	\$2,500,000	0
9.045	8	\$871,550	0
9.205	14	\$1,500,000	0
9.235	8	\$391,628	0
9.241	9	\$500,000	0
9.265	15	\$12,560,000	0

Bill Totals

General Revenue Fund.....	\$739,733,125
Federal Funds.....	8,495,548
Other Funds.....	<u>75,756,800</u>
Total.....	\$823,985,473

Approved June 30, 2021

CCS SS SCS HCS HB 10

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health and Senior Services

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

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

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, fund transfer, and program described herein, for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2021 and ending June 30, 2022, as follows:

PART 1

SECTION 10.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarifications of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

SECTION 10.005. — To the Department of Mental Health
For the Office of the Director, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$447,996
Expense and Equipment.....	<u>10,148</u>
From General Revenue Fund (0101)	458,144
 Personal Service.....	 77,349
Expense and Equipment.....	<u>53,109</u>
From Department of Mental Health Federal Fund (0148)	130,458
Total (Not to exceed 7.82 F.T.E.).....	\$588,602

***SECTION 10.006.** — To the Department of Mental Health
For the purpose of funding performance incentives for high-achieving department employees

Personal Service	
From General Revenue Fund (0101)	\$740,994
From Other Funds (Various)	<u>2,283</u>
Total.....	\$743,277

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

*I hereby veto \$743,277, including \$740,994 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.
From \$740,994 to \$0 from general revenue.
From \$2,283 to \$0 from other funds.
From \$743,277 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.010. — To the Department of Mental Health
For the Office of the Director

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101)\$1,157,186

SECTION 10.015. — To the Department of Mental Health
For the Office of the Director

For program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
Personal Service.....\$5,030,873
Expense and Equipment..... 356,784
From General Revenue Fund (0101) 5,387,657

Personal Service..... 1,006,684
Expense and Equipment..... 828,340
From Department of Mental Health Federal Fund (0148) 1,835,024

To procure and implement a multi-year, vendor-hosted, integrated commercial off the shelf electronic health record system for use in all of the department’s hospitals and facilities
Expense and Equipment
From General Revenue Fund (0101) 4,000,000
Total (Not to exceed 120.55 F.T.E.)\$11,222,681

SECTION 10.020. — To the Department of Mental Health
For the Office of the Director

For the COVID-19 Crisis Counseling Program, provided that a portion of funds shall be used to provide services to residents of a county with a charter form of government and with more than nine hundred fifty thousand inhabitants who have been disproportionately impacted by the coronavirus as indicated by state data, including zip code data and racial demographic data
Personal Service.....\$643,165
Expense and Equipment..... 10,000,000

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

For the Emergency COVID-19 Directed Treatment Services Program	
Expense and Equipment.....	<u>3,200,000</u>
From Department of Mental Health Federal Stimulus Fund (2345)	
(Not to exceed 13.00 F.T.E.).....	\$13,843,165
SECTION 10.025. — To the Department of Mental Health	
For the Office of the Director	
For staff training, provided that ten percent (10%) flexibility is allowed from personal service to expense and equipment and that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101)	\$357,925
Personal Service.....	191,301
Expense and Equipment.....	<u>290,004</u>
From Department of Mental Health Federal Fund (0148).....	481,305
For the Caring for Missourians' Mental Health Initiative, provided that ten percent (10%) flexibility is allowed from personal service to expense and equipment	
Personal Service.....	
Expense and Equipment.....	<u>951,705</u>
From Department of Mental Health Federal Fund (0148).....	<u>957,765</u>
Total.....	\$1,796,995
SECTION 10.030. — To the Department of Mental Health	
For the Office of the Director	
For funding insurance, private pay, licensure fee, and/or Medicaid refunds by state facilities operated by the Department of Mental Health	
From General Revenue Fund (0101)	\$205,000
For refunds	
From Department of Mental Health Federal Fund (0148).....	250,000
From Mental Health Interagency Payments Fund (0109).....	100
From Mental Health Intergovernmental Transfer Fund (0147).....	100
From Compulsive Gamblers Fund (0249)	100
From Health Initiatives Fund (0275).....	100
From Mental Health Earnings Fund (0288)	50,000
From Inmate Fund (0540).....	100
From Mental Health Trust Fund (0926)	25,000
From DMH Local Tax Matching Fund (0930).....	150,000
From Habilitation Center Room and Board Fund (0435)	10,000
For the transfer payment of refunds set off against debts as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	<u>25,000</u>
Total.....	\$715,500

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

SECTION 10.035. — To the Department of Mental Health
 Funds are to be transferred out of the State Treasury to the Mental Health Trust Fund
 From Abandoned Fund Account (0863) \$100,000

SECTION 10.040. — To the Department of Mental Health
 For the Office of the Director
 For receipt and disbursement of donations and gifts which may become available to the Department of Mental Health during the year (excluding federal grants and funds)
 Personal Service..... \$477,061
 Expense and Equipment..... 1,925,000
 From Mental Health Trust Fund (0926) (Not to exceed 7.50 F.T.E.) \$2,402,061

SECTION 10.045. — To the Department of Mental Health
 For the Office of the Director
 For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
 Personal Service..... \$126,392
 Expense and Equipment..... 2,462,130
 From Department of Mental Health Federal Fund (0148)
 (Not to exceed 2.00 F.T.E.)..... \$2,588,522

SECTION 10.050. — To the Department of Mental Health
 For the Office of the Director
 For housing assistance for homeless veterans, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
 Expense and Equipment
 From General Revenue Fund (0101) \$255,000
 From Department of Mental Health Federal Fund (0148) 1,000,000

For Shelter Plus Care grants
 Expense and Equipment
 From Department of Mental Health Federal Fund (0148) 14,336,746
 Total..... \$15,591,746

SECTION 10.055. — To the Department of Mental Health
 For Medicaid payments related to intergovernmental payments
 From Department of Mental Health Federal Fund (0148) \$11,900,000
 From Mental Health Intergovernmental Transfer Fund (0147) 6,600,000
 Total..... \$18,500,000

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

SECTION 10.060. — To the Department of Mental Health	
Funds are to be transferred out of the State Treasury to the Department of Social Services Intergovernmental Transfer Fund for providing the state match for the Department of Mental Health payments	
From General Revenue Fund (0101)	\$283,849,564
 SECTION 10.070. — To the Department of Mental Health	
Funds are to be transferred out of the State Treasury to the General Revenue Fund to provide the state match for the Department of Mental Health payments	
From Department of Mental Health Federal Fund (0148)	\$201,393,308
 SECTION 10.075. — To the Department of Mental Health	
Funds are to be transferred out of the State Treasury to the General Revenue Fund for Disproportionate Share Hospital funds leveraged by the Department of Mental Health - Institution of Mental Disease facilities	
From Department of Mental Health Federal Fund (0148)	\$50,000,000
 SECTION 10.100. — To the Department of Mental Health	
For the Division of Behavioral Health	
For the administration of statewide comprehensive alcohol and drug abuse prevention and treatment programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Personal Service	\$952,242
Expense and Equipment	22,287
From General Revenue Fund (0101)	974,529
Personal Service	975,588
Expense and Equipment	1,548,491
From Department of Mental Health Federal Fund (0148)	2,524,079
Personal Service	
From Health Initiatives Fund (0275)	50,535
Total (Not to exceed 32.82 F.T.E.)	\$3,549,143
 SECTION 10.105. — To the Department of Mental Health	
For the Division of Behavioral Health	
For prevention and education services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148)	\$16,340,239
Personal Service	47,889
Expense and Equipment	300,000
From General Revenue Fund (0101)	347,889
Personal Service	155,232
Expense and Equipment	495,336
From Department of Mental Health Federal Fund (0148)	650,568

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

For tobacco retailer education
 The Division of Behavioral Health shall be allowed to use persons under the age of twenty-one (21) for the purpose of tobacco retailer education in support of Synar requirements under the federal substance abuse prevention and treatment block grant
 Expense and Equipment
 From Department of Mental Health Federal Fund (0148) 90,194

For enabling enforcement of the provisions of the Family Smoking Prevention and Tobacco Control Act of 2009, in collaboration with the Department of Public Safety, Division of Alcohol and Tobacco Control
 Personal Service..... 338,402
 Expense and Equipment..... 168,941
 From Department of Mental Health Federal Fund (0148) 507,343

For Community 2000 Team programs
 Expense and Equipment
 From General Revenue Fund (0101) 1,072,959
 From Department of Mental Health Federal Fund (0148) 2,910,484
 From Health Initiatives Fund (0275)..... 82,148

For school-based alcohol and drug abuse prevention programs
 Expense and Equipment
 From Department of Mental Health Federal Fund (0148) 1,414,177
 Total (Not to exceed 8.84 F.T.E.)..... \$23,416,001

***SECTION 10.106.** — To the Department of Mental Health
 For the Division of Behavioral Health
 For a substance abuse education and prevention curriculum in a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants
 From General Revenue Fund (0101) \$250,000

*I hereby veto \$250,000 general revenue for a substance abuse education and prevention curriculum. This increase was not part of my budget recommendations. Additionally, there are concerns about the appropriateness of this content for this setting.

Said section is vetoed in its entirety from \$250,000 to \$0 from General Revenue Fund.
 From \$250,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 10.110. — To the Department of Mental Health
 For the Division of Behavioral Health
 For treatment of alcohol and drug abuse, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
 Personal Service
 From General Revenue Fund (0101) \$572,021

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

Personal Service.....	236,227
Expense and Equipment.....	<u>372,913</u>
From Department of Mental Health Federal Fund (0148).....	609,140
Personal Service	
From Health Initiatives Fund (0275).....	45,680
For treatment of alcohol and drug abuse, provided that fifty percent (50%) flexibility is allowed between sections indicated in 10.110, 10.111, 10.210, and 10.225 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
From General Revenue Fund (0101).....	25,045,168
From Department of Mental Health Federal Fund (0148).....	105,683,592
From Title XXI-Children’s Health Insurance Program Federal Fund (0159).....	1,586,683
For treatment of alcohol and drug abuse	
From Inmate Fund (0540).....	3,513,779
From Health Initiatives Fund (0275).....	5,966,747
From DMH Local Tax Matching Fund (0930).....	963,775
For funding youth services	
From Mental Health Interagency Payments Fund (0109).....	10,000
For reducing recidivism among offenders with serious substance use disorders who are returning to the St. Louis or Kansas City areas from any of the state correctional facilities. Additionally, remaining funds shall be used to support offenders returning to other regions of the state who are working with available treatment slots from the Department of Mental Health. The department shall select a qualified not-for-profit service provider in accordance with state purchasing rules. The provider must have experience serving this population in a correctional setting as well as in the community. The provider shall design and implement an evidence-based program that includes a continuum of services from prison to community, including medication assisted treatment that is initiated prior to release, when appropriate. The program must include an evaluation component to determine its effectiveness relative to other options, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
From General Revenue Fund (0101).....	1,791,475
For the sole purpose of conducting and evaluating a Pilot Project at Women's Eastern Reception and Diagnostic, Northeast, Chillicothe, and Cremer Therapeutic Community Centers for up to one hundred fifty (150) women and up to forty-five (45) males, with twenty (20) of the individuals selected having a developmental disability. If it is deemed medically appropriate,	

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these individuals may volunteer to receive FDA approved non-addictive medication assisted treatment for alcohol dependence and prevention of relapse to opioid dependence prior to release, and for up to six (6) months after release. Other medical services, including but not limited to, substance use disorder treatment services, may be provided by the contracted health care vendor to the Missouri Department of Corrections, and upon release, to designated substance use disorder treatment providers in the community, including Saint Louis and Kansas City metropolitan areas, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101)	772,669
For Recovery Support Services with the Access to Recovery Program	
Expense and Equipment	
From General Revenue Fund (0101)	3,670,740
For Peer Recovery Services	
Expense and Equipment	
From General Revenue Fund (0101)	<u>1,649,877</u>
Total (Not to exceed 15.56 F.T.E.)	\$151,881,346

SECTION 10.111. — To the Department of Mental Health
For the Division of Behavioral Health

For treatment of alcohol and drug abuse for payment of services to Certified Community Behavioral Health Organizations, provided that fifty percent (50%) flexibility is allowed between sections indicated in 10.110, 10.111, 10.210, and 10.225	
From General Revenue Fund (0101)	\$18,157,854
From Department of Mental Health Federal Fund (0148)	<u>28,207,521</u>
Total.....	\$46,365,375

SECTION 10.115. — To the Department of Mental Health
For the Division of Behavioral Health

For treatment of compulsive gambling	
Expense and Equipment	
From Compulsive Gamblers Fund (0249)	\$153,606

SECTION 10.120. — To the Department of Mental Health
For the Division of Behavioral Health

For the Substance Abuse Traffic Offender Program	
Personal Service.....	\$22,915
Expense and Equipment.....	<u>407,458</u>
From Department of Mental Health Federal Fund (0148)	430,373
Expense and Equipment	
From Mental Health Earnings Fund (0288)	6,995,353

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

Personal Service.....	168,633
Expense and Equipment.....	<u>21,176</u>
From Health Initiatives Fund (0275).....	<u>189,809</u>
Total (Not to exceed 4.48 F.T.E.).....	\$7,615,535

SECTION 10.200. — To the Department of Mental Health

For the Division of Behavioral Health

For the administration of comprehensive psychiatric services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$948,505
Expense and Equipment.....	<u>56,831</u>
From General Revenue Fund (0101).....	1,005,336

Personal Service.....	652,216
Expense and Equipment.....	<u>331,188</u>
From Department of Mental Health Federal Fund (0148).....	983,404

For suicide prevention initiatives

Personal Service.....	71,026
Expense and Equipment.....	<u>1,496,898</u>
From Department of Mental Health Federal Fund (0148).....	1,567,924

Expense and Equipment	
From Department of Mental Health Federal Stimulus Fund (2345).....	1,205,000

Expense and Equipment	
From Mental Health Earnings Fund (0288).....	<u>475,016</u>
Total (Not to exceed 29.10 F.T.E.).....	\$5,236,680

SECTION 10.205. — To the Department of Mental Health

For the Division of Behavioral Health

For facility support and PRN nursing and direct care staff pool, provided that staff paid from the PRN nursing and direct care staff pool will only incur fringe benefit costs applicable to part time employment, and that fifteen percent (15%) flexibility is allowed between personal service and expense and equipment, and that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$3,497,837
Expense and Equipment.....	<u>57,121</u>
From General Revenue Fund (0101).....	3,554,958

For funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic Employment Reform Act of 1994, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101).....	850,752

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

To pay the state operated hospital provider tax Expense and Equipment From General Revenue Fund (0101)	14,100,000
For funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses, provided that three percent (3%) flexibility is allowed from this section to Section 10.575 Expense and Equipment From Department of Mental Health Federal Fund (0148)	4,639,062
Personal Service.....	91,486
Expense and Equipment.....	1,271,646
From Mental Health Earnings Fund (0288)	1,363,132
For those Voluntary by Guardian clients transitioning from state psychiatric facilities to the community or to support those clients in facilities waiting to transition to the community, provided that three percent (3%) flexibility is allowed from this section to Section 10.575 Expense and Equipment From General Revenue Fund (0101)	328,217
Total (Not to exceed 79.62 F.T.E.)	\$24,836,121

***SECTION 10.210.** — To the Department of Mental Health

For adult community programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575 Personal Service.....	\$231,366
Expense and Equipment.....	850,169
From General Revenue Fund (0101)	1,081,535
Personal Service.....	230,504
Expense and Equipment.....	2,590,339
From Department of Mental Health Federal Fund (0148)	2,820,843

For adult community programs, provided that up to ten percent (10%) of this appropriation may be used for services for youth, further provided that fifty percent (50%) flexibility is allowed between sections indicated in 10.110, 10.210, 10.211 and 10.225 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System Expense and Equipment From General Revenue Fund (0101)	74,675,253
From Department of Mental Health Federal Fund (0148)	145,382,635
From DMH Local Tax Matching Fund (0930).....	2,426,903
From Title XXI-Children's Health Insurance Program Federal Fund (0159)	11,186,104

For mental health services and support services to other agencies Expense and Equipment From Mental Health Interagency Payments Fund (0109).....	1,310,572
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For programs for the homeless mentally ill, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101)	569,108
From Department of Mental Health Federal Fund (0148)	964,080
For the Missouri Eating Disorder Council and its responsibilities under Section 630.575, RSMo, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Personal Service	35,943
Expense and Equipment	104,159
From General Revenue Fund (0101)	140,102
To address staffing and facility needs in a city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and partially located in any county of the first classification with more than forty thousand but fewer than fifty thousand inhabitants, to continue providing care to address the mental health and opioid crisis	
From General Revenue Fund (0101)	\$500,000
For community based services in the St. Louis Eastern Region for Community Access to Care Facilitation	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148)	2,000,000
Total (Not to exceed 10.31 F.T.E.)	\$243,057,135

*I hereby veto \$500,000 general revenue for behavioral health and substance abuse treatment. This increase was not part of my budget recommendations. Additionally, this is not a contracted provider with the Department of Mental Health. A direct appropriation would subvert the state procurement process.

To address staffing and facility needs in a city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and partially located in any county of the first classification with more than forty thousand but fewer than fifty thousand inhabitants, to continue providing care to address the mental health and opioid crisis.

By \$500,000 from \$500,000 to \$0 from the General Revenue Fund.
 From \$243,057,135 to \$242,557,135 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 10.211. — To the Department of Mental Health
 For the Division of Behavioral Health
 For adult community programs for payment of services to Certified Community Behavioral Health Organizations, provided that fifty percent (50%) flexibility is allowed between sections indicated in 10.110, 10.210, 10.211, and 10.225

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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From General Revenue Fund (0101)	\$72,757,279
From Department of Mental Health Federal Fund (0148)	<u>171,686,229</u>
Total.....	\$244,443,508

SECTION 10.215. — To the Department of Mental Health

For the Division of Behavioral Health

For reimbursing attorneys, physicians, and counties for fees in involuntary civil commitment procedures, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment

From General Revenue Fund (0101)	\$747,441
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SECTION 10.220. — To the Department of Mental Health

For the Division of Behavioral Health

For forensic support services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$815,213
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Expense and Equipment.....	<u>26,885</u>
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From General Revenue Fund (0101)	842,098
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Personal Service.....	4,545
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Expense and Equipment.....	<u>42,767</u>
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From Department of Mental Health Federal Fund (0148)	<u>47,312</u>
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Total (Not to exceed 15.88 F.T.E.)	\$889,410
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SECTION 10.225. — To the Department of Mental Health

For the Division of Behavioral Health

For youth community programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$71,048
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Expense and Equipment.....	<u>91,741</u>
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From General Revenue Fund (0101)	162,789
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Personal Service.....	231,225
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Expense and Equipment.....	<u>1,096,728</u>
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From Department of Mental Health Federal Fund (0148)	1,327,953
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For youth community programs, provided that up to ten percent (10%) of this appropriation may be used for services for adults, and further provided that fifty percent (50%) flexibility is allowed between sections indicated in 10.110, 10.210, 10.225 and 10.226 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System

Expense and Equipment

From General Revenue Fund (0101)	18,543,061
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From Department of Mental Health Federal Fund (0148)	56,398,960
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From DMH Local Tax Matching Fund (0930).....	1,406,879
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From Title XXI-Children’s Health Insurance Program Federal Fund (0159)	3,384,997
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For youth services
 From Mental Health Interagency Payments Fund (0109)..... 600,000
 Total (Not to exceed 5.29 F.T.E.).....\$81,824,639

SECTION 10.226. — To the Department of Mental Health

For the Division of Behavioral Health

For youth community programs, for payment of services to Certified
 Community Behavioral Health Organizations, provided that fifty percent
 (50%) flexibility is allowed between sections indicated in 10.110, 10.210,
 10.225, and 10.226

From General Revenue Fund (0101)\$21,642,525
 From Department of Mental Health Federal Fund (0148)..... 44,410,517
 Total.....\$66,053,042

SECTION 10.230. — To the Department of Mental Health

For the Division of Behavioral Health

For the purchase and administration of new medication therapies
 Expense and Equipment

From General Revenue Fund (0101)\$15,801,632
 From Department of Mental Health Federal Fund (0148)..... 1,416,243
 Total.....\$17,217,875

SECTION 10.235. — To the Department of Mental Health

For the Division of Behavioral Health

For Federally Qualified Health Centers, located in a home rule city with more than
 four hundred thousand inhabitants and located in more than one county, and
 in a home rule city with more than one hundred fifty-five thousand but fewer
 than two hundred thousand inhabitants, to provide mental health services

From General Revenue Fund (0101)\$100,000
 From Department of Mental Health Federal Fund (0148)..... 900,000
 Total.....\$1,000,000

SECTION 10.236. — To the Department of Mental Health

For the Division of Behavioral Health

For a substance abuse initiative that focuses on providing medication assisted
 treatment to treat substance use disorders. Eligible Federally Qualified
 Health Centers shall have provided walk-in medication assisted treatment
 services in the previous year

From Opioid Treatment and Recovery Fund (0705)\$1,000,000

SECTION 10.300. — To the Department of Mental Health

For the Division of Behavioral Health

For the Fulton State Hospital, provided that fifteen percent (15%) may be spent on
 the Purchase of Community Services, including transitioning clients to the
 community or other state-operated facilities, and further provided that ten
 percent (10%) flexibility is allowed between Fulton State Hospital and Fulton
 State Hospital Sexual Offender Rehabilitation and Treatment Services

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

Program, and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$39,822,717
Expense and Equipment.....	<u>7,735,903</u>
From General Revenue Fund (0101)	47,558,620

Personal Service.....	988,596
Expense and Equipment.....	<u>618,895</u>
From Department of Mental Health Federal Fund (0148)	1,607,491

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	703,264

For the Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided that ten percent (10%) flexibility is allowed between Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program and Fulton State Hospital, and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	10,553,465
Expense and Equipment.....	<u>2,568,888</u>
From General Revenue Fund (0101)	13,122,353

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	<u>66,022</u>
Total (Not to exceed 1,216.42 F.T.E.)	\$63,057,750

SECTION 10.305. — To the Department of Mental Health

For the Division of Behavioral Health

For the Northwest Missouri Psychiatric Rehabilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575

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

Personal Service.....	\$11,055,460
Expense and Equipment.....	<u>2,396,946</u>
From General Revenue Fund (0101).....	13,452,406

Personal Service.....	820,782
Expense and Equipment.....	<u>105,903</u>
From Department of Mental Health Federal Fund (0148).....	926,685

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101).....	178,319
From Department of Mental Health Federal Fund (0148).....	<u>11,762</u>
Total (Not to exceed 283.51 F.T.E.).....	\$14,569,172

SECTION 10.310. — To the Department of Mental Health

For the Division of Behavioral Health

For the Forensic Treatment Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$25,064,708
Expense and Equipment.....	<u>5,480,882</u>
From General Revenue Fund (0101).....	30,545,590

Personal Service.....	894,828
Expense and Equipment.....	<u>93,210</u>
From Department of Mental Health Federal Fund (0148).....	988,038

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101).....	326,357
From Department of Mental Health Federal Fund (0148).....	<u>2,169</u>
Total (Not to exceed 641.64 F.T.E.).....	\$31,862,154

SECTION 10.315. — To the Department of Mental Health

For the Division of Behavioral Health

For the Southeast Missouri Mental Health Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and provided that ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center and Southeast Missouri Mental Health

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

Center-Sexual Offender Rehabilitation and Treatment Services Program, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$18,775,429
Expense and Equipment.....	<u>3,101,902</u>
From General Revenue Fund (0101)	21,877,331

Personal Service.....	300,712
Expense and Equipment.....	<u>219,538</u>
From Department of Mental Health Federal Fund (0148)	520,250

Personal Service	
From Mental Health Trust Fund (0926)	80,998

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	175,345

For the Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program and Southeast Missouri Mental Health Center, and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	19,489,685
Expense and Equipment.....	<u>4,418,155</u>
From General Revenue Fund (0101)	23,907,840

Personal Service	
From Department of Mental Health Federal Fund (0148)	29,287

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	<u>91,210</u>
Total (Not to exceed 977.92 F.T.E.)	\$46,682,261

SECTION 10.320. — To the Department of Mental Health
For the Division of Behavioral Health

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

For the Center for Behavioral Medicine, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$13,144,148
Expense and Equipment.....	<u>2,138,201</u>
From General Revenue Fund (0101).....	15,282,349
Personal Service.....	251,970
Expense and Equipment.....	<u>633,432</u>
From Department of Mental Health Federal Fund (0148).....	885,402
For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees	
Personal Service	
From General Revenue Fund (0101).....	<u>264,883</u>
Total (Not to exceed 302.55 F.T.E.).....	\$16,432,634

SECTION 10.325. — To the Department of Mental Health

For the Division of Behavioral Health

For the Hawthorn Children's Psychiatric Hospital, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$7,001,915
Expense and Equipment.....	<u>1,030,091</u>
From General Revenue Fund (0101).....	8,032,006
Personal Service.....	1,938,898
Expense and Equipment.....	<u>197,901</u>
From Department of Mental Health Federal Fund (0148).....	2,136,799

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101).....	69,499
From Department of Mental Health Federal Fund (0148).....	<u>7,553</u>
Total (Not to exceed 215.80 F.T.E.).....	\$10,245,857

SECTION 10.400. — To the Department of Mental Health

For the Division of Developmental Disabilities

For the division administration, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

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

Personal Service.....	\$1,386,447
Expense and Equipment.....	<u>58,324</u>
From General Revenue Fund (0101)	1,444,771
Personal Service.....	324,020
Expense and Equipment.....	<u>760,559</u>
From Department of Mental Health Federal Fund (0148)	1,084,579
For telehealth physician services	
From General Revenue Fund (0101)	758,657
From Department of Mental Health Federal Fund (0148)	1,473,343
From State Emergency Management Federal Stimulus Fund (2335).....	<u>2,232,000</u>
Total (Not to exceed 29.37 F.T.E.)	\$6,993,350

SECTION 10.405. — To the Department of Mental Health

For the Division of Developmental Disabilities

To pay the state operated Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/ID) provider tax Expense and Equipment

From General Revenue Fund (0101)	\$6,200,000
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For habilitation centers

Expense and Equipment

From Habilitation Center Room and Board Fund (0435)	<u>3,416,233</u>
Total.....	\$9,616,233

SECTION 10.410. — To the Department of Mental Health

For the Division of Developmental Disabilities

Provided that residential services for non-Medicaid eligibles shall not be reduced below the prior year expenditures as long as the person is evaluated to need the services

For community programs

From General Revenue Fund (0101)	\$419,458,136
From Department of Mental Health Federal Fund (0148)	977,356,050
From DMH Local Tax Matching Fund (0930).....	1,015,000
From HCBS FMAP Enhancement Fund (2444)	58,234,537

For community programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	643,331
Expense and Equipment.....	<u>33,701</u>

From General Revenue Fund (0101)	677,032
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Personal Service.....	991,137
Expense and Equipment.....	<u>178,292</u>

From Department of Mental Health Federal Fund (0148)	1,169,429
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

For statewide autism outreach, education, and awareness programs for persons with autism and their families From General Revenue Fund (0101)	5,958,861
For an Autism Center located in a home rule city with more than forty-seven thousand but fewer than fifty-two thousand inhabitants and partially located in any county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants From General Revenue Fund (0101)	51,511
For Autism Outreach Initiatives for Children in Northeast Missouri From General Revenue Fund (0101)	51,511
For Regional Autism projects From General Revenue Fund (0101)	9,017,135
For services for children who are clients of the Department of Social Services From Mental Health Interagency Payments Fund (0109).....	9,916,325
For the Developmental Disability Training Program in a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants and a county with a charter form of government and with more than nine hundred fifty thousand inhabitants From General Revenue Fund (0101)	250,000
For youth services From Mental Health Interagency Payments Fund (0109).....	213,832
For special needs college and career planning in a home rule city with more than four hundred thousand inhabitants and located in more than one county From General Revenue Fund (0101)	50,000
For Senate Bill 40 Board Tax Funds to be used as match for Medicaid initiatives for clients of the division From DMH Local Tax Matching Fund (0930).....	8,889,538
Total (Not to exceed 24.59 F.T.E.)	\$1,492,308,897

SECTION 10.413. — To the Department of Mental Health

For the Division of Developmental Disabilities

For the reimbursement of hospitals related to individuals who qualify for placement and support through the Division of Developmental Disabilities who may otherwise be eligible for discharge but cannot be discharged due to a lack of availability within an appropriate community placement. Such hospitals shall provide a request for funding documenting these individuals, length of stay beyond discharge, and effort to find placement. The division shall on a pro-rata basis provide a per diem reimbursement on an annual basis

From General Revenue Fund (0101)	\$2,000,000
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SECTION 10.415. — To the Department of Mental Health
 For the Division of Developmental Disabilities
 For community support staff, provided that three percent (3%) flexibility is allowed from this section to Section 10.575
 Personal Service
 From General Revenue Fund (0101)\$2,400,575
 From Department of Mental Health Federal Fund (0148) 8,270,263
 Total (Not to exceed 234.38 F.T.E.)\$10,670,838

SECTION 10.420. — To the Department of Mental Health
 For the Division of Developmental Disabilities
 For developmental disabilities services, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment
 Personal Service..... \$446,583
 Expense and Equipment..... 1,821,471
 From Department of Mental Health Federal Fund (0148)
 (Not to exceed 7.98 F.T.E.).....\$2,268,054

SECTION 10.425. — To the Department of Mental Health
 Funds are to be transferred out of the State Treasury, to the General Revenue Fund as a result of recovering the Intermediate Care Facility Intellectually Disabled (ICF/ID) Reimbursement Allowance Fund
 From Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund (0901).....\$2,300,000

 Funds are to be transferred out of the State Treasury, to the Department of Mental Health Federal Fund
 From Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund (0901)..... 4,066,456
 Total.....\$6,366,456

SECTION 10.500. — To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the Central Missouri Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575
 Personal Service.....\$3,506,155
 Expense and Equipment..... 178,587
 From General Revenue Fund (0101)3,684,742

 Personal Service..... 675,859
 Expense and Equipment..... 110,815
 From Department of Mental Health Federal Fund (0148) 786,674
 Total (Not to exceed 98.70 F.T.E.)\$4,471,416

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

SECTION 10.505. — To the Department of Mental Health

For the Division of Developmental Disabilities

For the Kansas City Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$3,254,574
Expense and Equipment.....	<u>251,477</u>
From General Revenue Fund (0101)	3,506,051
Personal Service.....	1,264,752
Expense and Equipment.....	<u>111,476</u>
From Department of Mental Health Federal Fund (0148).....	<u>1,376,228</u>
Total (Not to exceed 97.74 F.T.E.)	\$4,882,279

SECTION 10.510. — To the Department of Mental Health

For the Division of Developmental Disabilities

For the Sikeston Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$1,853,144
Expense and Equipment.....	<u>128,320</u>
From General Revenue Fund (0101)	1,981,464
Personal Service.....	247,422
Expense and Equipment.....	<u>27,684</u>
From Department of Mental Health Federal Fund (0148).....	<u>275,106</u>
Total (Not to exceed 48.57 F.T.E.)	\$2,256,570

SECTION 10.515. — To the Department of Mental Health

For the Division of Developmental Disabilities

For the Springfield Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$2,223,034
Expense and Equipment.....	<u>167,191</u>
From General Revenue Fund (0101)	2,390,225
Personal Service.....	386,979
Expense and Equipment.....	<u>41,508</u>
From Department of Mental Health Federal Fund (0148).....	<u>428,487</u>
Total (Not to exceed 60.13 F.T.E.)	\$2,818,712

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SECTION 10.520. — To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the St. Louis Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$5,041,487
Expense and Equipment.....	<u>376,177</u>
From General Revenue Fund (0101)	5,417,664
Personal Service.....	1,106,331
Expense and Equipment.....	<u>241,700</u>
From Department of Mental Health Federal Fund (0148)	<u>1,348,031</u>
Total (Not to exceed 141.00 F.T.E.)	\$6,765,695

SECTION 10.525. — To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the Bellefontaine Habilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$6,812,641
Expense and Equipment.....	<u>277,307</u>
From General Revenue Fund (0101)	7,089,948
Personal Service.....	9,500,918
Expense and Equipment.....	<u>645,217</u>
From Department of Mental Health Federal Fund (0148)	10,146,135

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	982,970
From Department of Mental Health Federal Fund (0148)	<u>40,507</u>
Total (Not to exceed 462.35 F.T.E.)	\$18,259,560

SECTION 10.530. — To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the Higginsville Habilitation Center, provided that thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that fifty percent (50%) flexibility is allowed

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between this section and Section 10.535 to allow flexibility for the transition of the Optimistic Beginnings program, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$3,806,428
Expense and Equipment.....	<u>75,352</u>
From General Revenue Fund (0101)	3,881,780

Personal Service.....	6,415,504
Expense and Equipment.....	<u>366,607</u>
From Department of Mental Health Federal Fund (0148)	6,782,111

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	423,624
From Department of Mental Health Federal Fund (0148)	<u>96,572</u>
Total (Not to exceed 345.43 F.T.E.)	\$11,184,087

SECTION 10.535. — To the Department of Mental Health

For the Division of Developmental Disabilities

For Northwest Community Services, provided that thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that fifty percent (50%) flexibility is allowed between this section and Section 10.530 to allow flexibility for the transition of the Optimistic Beginnings program, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$6,276,112
Expense and Equipment.....	<u>440,617</u>
From General Revenue Fund (0101)	6,716,729

Personal Service.....	12,900,573
Expense and Equipment.....	<u>574,165</u>
From Department of Mental Health Federal Fund (0148)	13,474,738

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	<u>780,356</u>
Total (Not to exceed 614.66 F.T.E.)	\$20,971,823

SECTION 10.540. — To the Department of Mental Health

For the Division of Developmental Disabilities

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

For the Southwest Community, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$2,610,964
Expense and Equipment.....	<u>76,552</u>
From General Revenue Fund (0101)	2,687,516

Personal Service.....	5,120,063
Expense and Equipment.....	<u>359,918</u>
From Department of Mental Health Federal Fund (0148)	5,479,981

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	19,174
From Department of Mental Health Federal Fund (0148)	<u>230,054</u>
Total (Not to exceed 243.96 F.T.E.)	\$8,416,725

SECTION 10.545. — To the Department of Mental Health

For the Division of Developmental Disabilities

For the St. Louis Developmental Disabilities Treatment Center, provided that thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$5,165,427
Expense and Equipment.....	<u>1,884,391</u>
From General Revenue Fund (0101)	7,049,818

Personal Service.....	12,590,692
Expense and Equipment.....	<u>718,734</u>
From Department of Mental Health Federal Fund (0148)	<u>13,309,426</u>
Total (Not to exceed 527.74 F.T.E.)	\$20,359,244

SECTION 10.550. — To the Department of Mental Health

For the Division of Developmental Disabilities

For Southeast Missouri Residential Services, provided that thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

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Personal Service.....\$2,257,351
 Expense and Equipment..... 53,664
 From General Revenue Fund (0101).....2,311,015

Personal Service.....5,274,273
 Expense and Equipment..... 633,271
 From Department of Mental Health Federal Fund (0148).....5,907,544

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service
 From General Revenue Fund (0101) 204,796
 From Department of Mental Health Federal Fund (0148)..... 87,328
 Total (Not to exceed 249.19 F.T.E.)\$8,510,683

SECTION 10.555. — To the Department of Mental Health
 For the Division of Developmental Disabilities
 For a comprehensive program located in a city not within a county. The purpose of such program shall be to promote basic scientific research, clinic patient research, and patient care for tuberous sclerosis complex
 From General Revenue Fund (0101)\$250,000

SECTION 10.575. — To the Department of Mental Health
 Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund
 From General Revenue Fund (0101)\$1

SECTION 10.600. — To the Department of Health and Senior Services
 For the Office of the Director
 For program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955
 Personal Service.....\$181,239
 Expense and Equipment..... 16,705
 From General Revenue Fund (0101) 197,944

Personal Service.....474,897
 Expense and Equipment..... 65,910
 From Department of Health and Senior Services Federal Fund (0143)..... 540,807
 Total (Not to exceed 9.00 F.T.E.).....\$738,751

SECTION 10.605. — To the Department of Health and Senior Services
 For the Division of Administration
 For program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

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 Matter in bold-face type is proposed language.

Personal Service.....	\$295,700
Expense and Equipment.....	<u>58,684</u>
From General Revenue Fund (0101)	354,384
For program operations and support	
Personal Service.....	3,140,559
Expense and Equipment.....	<u>1,428,624</u>
From Department of Health and Senior Services Federal Fund (0143).....	4,569,183
Expense and Equipment	
From Nursing Facility Quality of Care Fund (0271).....	330,000
Expense and Equipment	
From Health Access Incentive Fund (0276).....	50,000
Expense and Equipment	
From Mammography Fund (0293).....	25,000
Personal Service.....	142,532
Expense and Equipment.....	<u>199,525</u>
From Missouri Public Health Services Fund (0298)	342,057
Expense and Equipment	
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565).....	30,000
Expense and Equipment	
From Department of Health and Senior Services Document Services Fund (0646).....	44,571
Expense and Equipment	
From Department of Health - Donated Fund (0658)	30,000
Expense and Equipment	
From Putative Father Registry Fund (0780).....	25,000
Expense and Equipment	
From Organ Donor Program Fund (0824)	30,000
Expense and Equipment	
From Childhood Lead Testing Fund (0899)	<u>5,000</u>
Total (Not to exceed 74.35 F.T.E.)	\$5,835,195

***SECTION 10.606.** — To the Department of Health and Senior Services
 For the purpose of funding performance incentives for high-achieving
 department employees

Personal Service	
From General Revenue Fund (0101)	\$72,428
From Federal and Other Funds (Various).....	<u>149,713</u>
Total.....	\$222,141

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

*I hereby veto \$222,141, including \$72,428 general revenue, for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.
From \$72,428 to \$0 from general revenue.
From \$149,713 to \$0 from federal and other funds.
From \$222,141 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.610. — To the Department of Health and Senior Services
Funds are to be transferred out of the State Treasury, to the Health Access
Incentive Fund
From Health Initiatives Fund (0275)..... \$759,624

SECTION 10.615. — To the Department of Health and Senior Services
For the Division of Administration
For the payment of refunds set off against debts in accordance with Section
143.786, RSMo
From Debt Offset Escrow Fund (0753)..... \$50,000

SECTION 10.620. — To the Department of Health and Senior Services
For the Division of Administration
For refunds
From General Revenue Fund (0101) \$50,000

For refunds, provided that fifty percent (50%) flexibility is allowed between
federal and other funds
From Department of Health and Senior Services Federal Fund (0143)..... 100,000
From Nursing Facility Quality of Care Fund (0271) 9,240
From Health Access Incentive Fund (0276)..... 5,000
From Mammography Fund (0293) 1,000
From Missouri Public Health Services Fund (0298) 39,000
From Endowed Cemetery Audit Fund (0562) 2,899
From Professional and Practical Nursing Student Loan and Nurse Loan
Repayment Fund (0565)..... 2,500
From Missouri Veterans' Health and Care Fund (0606) 51,000
From Department of Health and Senior Services Document Services
Fund (0646)..... 10,000
From Department of Health - Donated Fund (0658) 15,133
From Criminal Record System Fund (0671)..... 333
From Children's Trust Fund (0694) 13,495
From Brain Injury Fund (0742)..... 100
From Missouri State Coroners' Training Fund (0846) 1,200

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

From Organ Donor Program Fund (0824)	25
From Childhood Lead Testing Fund (0899)	<u>275</u>
Total.....	\$301,200

SECTION 10.625. — To the Department of Health and Senior Services
For the Division of Administration

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

Personal Service.....	\$108,245
Expense and Equipment.....	<u>3,000,001</u>
From Department of Health and Senior Services Federal Fund (0143).....	3,108,246
Personal Service.....	108,241
Expense and Equipment.....	<u>347,596</u>
From Department of Health - Donated Fund (0658)	<u>455,837</u>
Total.....	\$3,564,083

SECTION 10.700. — To the Department of Health and Senior Services

For the Division of Community and Public Health For the Adolescent Health Program, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service

From General Revenue Fund (0101)	\$15,920
Expense and Equipment	
From Department of Health and Senior Services Federal Fund (0143).....	133,521
From Health Initiatives Fund (0275).....	1,228
For program operations and support, provided that thirty percent (30%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.955	
Personal Service.....	6,540,153
Expense and Equipment.....	<u>70,900</u>
From General Revenue Fund (0101)	6,611,053
For program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955	
Personal Service.....	15,272,042
Expense and Equipment.....	<u>4,641,613</u>
From Department of Health and Senior Services Federal Fund (0143).....	19,913,655
Personal Service.....	1,056,603
Expense and Equipment.....	<u>432,086</u>
From Health Initiatives Fund (0275).....	1,488,689

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

Personal Service.....	670,354
Expense and Equipment.....	<u>172,003</u>
From Missouri Public Health Services Fund (0298).....	842,357
Personal Service.....	80,387
Expense and Equipment.....	<u>68,048</u>
From Department of Health and Senior Services Document Services Fund (0646).....	148,435
Personal Service.....	75,246
Expense and Equipment.....	<u>23,785</u>
From Environmental Radiation Monitoring Fund (0656).....	99,031
Personal Service.....	195,528
Expense and Equipment.....	<u>333,830</u>
From Department of Health - Donated Fund (0658).....	529,358
Personal Service.....	220,472
Expense and Equipment.....	<u>66,883</u>
From Hazardous Waste Fund (0676).....	287,355
Personal Service.....	84,383
Expense and Equipment.....	<u>27,748</u>
From Putative Father Registry Fund (0780).....	112,131
Personal Service.....	118,738
Expense and Equipment.....	<u>131,887</u>
From Organ Donor Program Fund (0824).....	250,625
Expense and Equipment	
From Governor's Council on Physical Fitness Institution Gift Trust Fund (0924).....	47,500
Personal Service.....	292,496
Expense and Equipment.....	<u>500</u>
From Child Care and Development Block Grant Federal Fund (0168).....	292,996
For personal protective equipment warehousing	
Expense and Equipment	
From State Emergency Management Federal Stimulus Fund (2335).....	<u>200,700</u>
Total (Not to exceed 480.69 F.T.E.).....	\$30,974,554

SECTION 10.705. — To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For core public health functions and related expenses, provided that three percent
 (3%) flexibility is allowed from this section to Section 10.955
 Expense and Equipment
 From General Revenue Fund (0101)..... \$3,572,692

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 Matter in bold-face type is proposed language.

From Title XXI-Children’s Health Insurance Program Federal Fund (0159)	9,900,000
Total.....	\$13,472,692

SECTION 10.710. — To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For the Adolescent Health Program

Expense and Equipment From Department of Health and Senior Services Federal Fund (0143).....	\$2,086,539
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For the Missouri Donated Dental Services Program Expense and Equipment From General Revenue Fund (0101)	90,000
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For the Brain Injury Waiver From General Revenue Fund (0101)	266,836
From Department of Health and Senior Services Federal Fund (0143).....	500,000

For the SAFE-CARE Program, including implementing a regionalized medical response to child abuse, providing daily review of cases of children less than four (4) years of age under investigation by the Missouri Department of Social Services, Children's Division and to provide medical forensics training to medical providers and multi-disciplinary team members Expense and Equipment From General Revenue Fund (0101)	250,000
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For a grant program benefitting victims of amyotrophic lateral sclerosis (ALS) and providing respite care in the eastern half of the state From General Revenue Fund (0101)	50,000
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For community health programs and related expenses, provided that three percent (3%) flexibility is allowed from this section to Section 10.955 From General Revenue Fund (0101)	8,857,367
From Department of Health and Senior Services Federal Fund (0143).....	98,741,700
From Title XXI - Children's Health Insurance Program Federal Fund (0159)	2,133,153
From Child Care and Development Block Grant Federal Fund (0168).....	394,900
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	224,981
From Missouri Public Health Services Fund (0298)	1,649,750
From Brain Injury Fund (0742).....	974,900
From C & M Smith Memorial Endowment Trust Fund (0873).....	10,000
From Missouri Lead Abatement Loan Fund (0893).....	1,000
From Children's Special Health Care Needs Service Fund (0950).....	30,000
Total.....	\$116,261,126

SECTION 10.715. — To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For tobacco cessation services

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

From General Revenue Fund (0101)	\$50,000
From Department of Health and Senior Services Federal Fund (0143).....	<u>50,000</u>
Total.....	\$100,000

SECTION 10.720. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For women's health initiatives, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	\$60,462
Expense and Equipment.....	<u>51,546</u>
From General Revenue Fund (0101)	112,008
Personal Service.....	1,231,387
Expense and Equipment.....	<u>4,640,878</u>
From Department of Health and Senior Services Federal Fund (0143).....	5,872,265

Expense and Equipment	
From Health Initiatives Fund (0275).....	4,916

For the Show-Me Healthy Women's program in Missouri, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment	
From General Revenue Fund (0101)	500,000
From Missouri Public Health Services Fund (0298)	20,000
From Department of Health - Donated Fund (0658)	32,548
Personal Service.....	407,675
Expense and Equipment.....	<u>1,894,132</u>
From Department of Health and Senior Services Federal Fund (0143).....	2,301,807

For contracts for the Sexual Violence Victims Services, Awareness, and Education Program	
Expense and Equipment	
From Department of Health and Senior Services Federal Fund (0143).....	792,134

For funding of the Justice for Survivors forensic examination Statewide Telehealth Network	
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	<u>6,157,916</u>
Total (Not to exceed 29.72 F.T.E.)	\$15,793,594

SECTION 10.725. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For family planning and family planning-related services, pregnancy testing, sexually transmitted disease testing and treatment, including pap tests and pelvic exams, and follow-up services provided that none of the funds appropriated herein may be paid, granted to, or expended to directly or indirectly fund procedures or administrative functions of any clinic, physician's office, or any other place or facility in which abortions are

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performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital, or for performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother, for encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother, or developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother. Such services shall be available to uninsured women who are at least eighteen (18) to fifty-five (55) years of age with a family Modified Adjusted Gross Income for the household size that does not exceed two hundred and one percent (201%) of the Federal Poverty Level (FPL) and who is a legal resident of the state

From General Revenue Fund (0101)	\$6,289,091
From Department of Health and Senior Services Federal Fund (0143).....	<u>5,282,836</u>
Total.....	\$11,571,927

SECTION 10.730. — To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For the Elks Mobile Dental Clinic

Expense and Equipment	
From General Revenue Fund (0101)	\$200,000

SECTION 10.735. — To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For supplemental nutrition programs

Expense and Equipment	
From Department of Health and Senior Services Federal Fund (0143).....	\$216,092,329
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	<u>185,000,000</u>
Total.....	\$401,092,329

SECTION 10.740. — To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For the Office of Rural Health and Primary Care

Personal Service.....	\$827,139
Expense and Equipment.....	<u>361,204</u>
From Department of Health and Senior Services Federal Fund (0143).....	1,188,343
Personal Service.....	103,304
Expense and Equipment.....	<u>14,450</u>
From Health Initiatives Fund (0275).....	117,754
Personal Service.....	80,259
Expense and Equipment.....	<u>8,900</u>
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565).....	89,159

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 Matter in bold-face type is proposed language.

For other Office of Rural Health and Primary Care programs and related expenses
 Expense and Equipment
 From Department of Health and Senior Services Federal Fund (0143)..... 1,261,607
 From Department of Health - Donated Fund (0658)..... 655,000
 Total (Not to exceed 15.20 F.T.E.)\$3,311,863

SECTION 10.745. — To the Department of Health and Senior Services

For the Division of Community and Public Health
 For the Primary Care Resource Initiative Program (PRIMO), Financial Aid to
 Medical Students, and Loan Repayment Programs
 Expense and Equipment
 From General Revenue Fund (0101) \$378,750
 From Department of Health and Senior Services Federal Fund (0143)..... 425,000
 From Health Access Incentive Fund (0276)..... 650,000
 From Professional and Practical Nursing Student Loan and Nurse Loan
 Repayment Fund (0565)..... 650,000
 From Department of Health - Donated Fund (0658)..... 956,790
 Total.....\$3,060,540

SECTION 10.750. — To the Department of Health and Senior Services

For the Division of Community and Public Health
 For the Office of Minority Health
 For program operations and support, provided that three percent (3%) flexibility
 is allowed from this section to Section 10.955
 Personal Service..... \$203,034
 Expense and Equipment..... 194,440
 From General Revenue Fund (0101) 397,474

 Personal Service
 From Department of Health and Senior Services Federal Fund (0143)..... 33,765
 Total (Not to exceed 4.48 F.T.E.).....\$431,239

SECTION 10.755. — To the Department of Health and Senior Services

For the Division of Community and Public Health
 For the Office of Emergency Coordination, provided that \$1,000,000 be used to
 assist in maintaining the Poison Control Hotline
 From General Revenue Fund (0101) \$500,000
 From Insurance Dedicated Fund (0566)..... 500,000

 Personal Service..... 1,851,600
 Expense and Equipment..... 11,530,305
 From Department of Health and Senior Services Federal Fund (0143)..... 13,381,905

 To address coronavirus preparedness and response
 Personal Service..... 996,315
 Expense and Equipment..... 32,376,931
 From Department of Health and Senior Services Federal Stimulus Fund (2350)..... 33,373,246

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To provide coronavirus mitigation efforts, including, but not limited to, testing, tracing, reporting, and related expenses
 Personal Service..... 7,366,010
 Expense and Equipment..... 274,688,947
 From Department of Health and Senior Services Federal Stimulus Fund (2350).....282,054,957

To support the state's COVID-19 vaccination plan and expand routine vaccination efforts
 Personal Service..... 1,139,388
 Expense and Equipment..... 53,608,631
 From Department of Health and Senior Services Federal Stimulus Fund (2350)..... 54,748,019
 Total (Not to exceed 72.02 F.T.E.)\$384,558,127

SECTION 10.756. — To the Department of Health and Senior Services

For the Division of Community Health and Senior Services

To enable schools to establish COVID-19 screening testing programs to support and maintain in-person learning

Personal Service..... \$164,034
 Expense and Equipment..... 184,589,767
 From Department of Health and Senior Services Federal Stimulus - 2021 Fund (2457).....\$184,753,801

SECTION 10.760. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For emergency funding of an outbreak response

From Missouri Public Health Services Fund (0298) \$300,000

SECTION 10.765. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For coroner trainings provided by the Missouri Coroners' and Medical Examiners' Association

From Missouri State Coroners' Training Fund (0846) \$355,482

SECTION 10.770. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the State Public Health Laboratory, including providing newborn screening services on weekends and holidays, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service..... \$1,930,648
 Expense and Equipment..... 869,435
 From General Revenue Fund (0101)2,800,083

Personal Service..... 1,184,477
 Expense and Equipment..... 2,297,935
 From Department of Health and Senior Services Federal Fund (0143)..... 3,482,412

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Personal Service.....	1,789,960
Expense and Equipment.....	<u>5,477,889</u>
From Missouri Public Health Services Fund (0298).....	7,267,849
Expense and Equipment	
From Safe Drinking Water Fund (0679).....	473,641
Personal Service.....	18,649
Expense and Equipment.....	<u>46,368</u>
From Childhood Lead Testing Fund (0899).....	<u>65,017</u>
Total (Not to exceed 106.01 F.T.E.).....	\$14,089,002

SECTION 10.800. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	\$9,695,889
Expense and Equipment.....	<u>1,062,967</u>
From General Revenue Fund (0101).....	10,758,856
Personal Service.....	11,131,317
Expense and Equipment.....	<u>1,287,950</u>
From Department of Health and Senior Services Federal Fund (0143).....	12,419,267

For Medicaid Home and Community-Based Services Program reassessments, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	676,204
Expense and Equipment.....	<u>850,000</u>
From General Revenue Fund (0101).....	1,526,204
Personal Service.....	676,203
Expense and Equipment.....	<u>850,000</u>
From Department of Health and Senior Services Federal Fund (0143).....	<u>1,526,203</u>
Total (Not to exceed 526.26 F.T.E.).....	\$26,230,530

SECTION 10.805. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For non-Medicaid reimbursable senior and disability programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment	
From General Revenue Fund (0101).....	\$705,065
From Department of Health and Senior Services Federal Fund (0143).....	167,028
Personal Service.....	200,000
Expense and Equipment.....	<u>1,512,169</u>
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	<u>1,712,169</u>
Total.....	\$2,584,262

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Matter in bold-face type is proposed language.

***SECTION 10.810.** — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For providing consumer directed personal care assistance services at a rate not to exceed sixty percent (60%) of the average monthly Medicaid cost of nursing facility care, and up to one percent (1%) of appropriated general revenue to provide temporary in-home services to individuals no longer meeting level of care but determined by the division to be at risk of nursing facility placement, provided such services are budget neutral to overall state spending, and further provided that ten percent (10%) flexibility is allowed between this section and Section 10.815 to allow flexibility within the Medicaid Home and Community Based Services Program

Expense and Equipment

From General Revenue Fund (0101)	\$183,386,444
From Department of Health and Senior Services Federal Fund (0143).....	371,300,899
From HCBS FMAP Enhancement Fund (2444)	<u>8,166,336</u>
Total.....	\$562,853,679

*I hereby veto \$24,025,703 federal funds for a provider rate increase for consumer-directed services. This increase was not part of my budget recommendations. This across the board rate increase undermines rate standardization efforts that are underway to ensure providers of consumer directed services through the home and community based services program are paid closer to market rate.

Expense and Equipment by \$15,859,367 from \$371,300,899 to \$355,441,532 from Department of Health and Senior Services Federal Fund.

Expense and Equipment by \$8,166,336 from \$8,166,336 to \$0 from HCBS FMAP Enhancement Fund.

From \$562,853,679 to \$538,827,976 in total for the section

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.815.** — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, Programs of All Inclusive Care for the Elderly, the Structured Family Caregiver Waiver, other related services, and program management under the Medicaid fee-for-service and managed care programs. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs, and up to one percent (1%) of appropriated general revenue to provide temporary in-home services to individuals no longer meeting level of care but determined by the division to be at risk of

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nursing facility placement, provided such services are budget neutral to overall state spending, and further provided that ten percent (10%) flexibility is allowed between this section and Section 10.810 to allow flexibility within the Medicaid Home and Community Based Services Program, and further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute

Expense and Equipment	
From General Revenue Fund (0101)	\$162,138,625
From Department of Health and Senior Services Federal Fund (0143).....	332,106,037
From HCBS FMAP Enhancement Fund (2444)	8,870,076
Total.....	\$503,114,738

*I hereby veto \$2,399,494 federal funds for a provider rate increase for consumer-directed services. This increase was not part of my budget recommendations. This across the board rate increase undermines rate standardization efforts that are underway to ensure providers of consumer directed services through the home and community based services program are paid closer to market rate.

Expense and Equipment by \$1,583,905 from \$332,106,037 to \$330,522,132 from Department of Health and Senior Services Federal Fund.
Expense and Equipment by \$815,589 from \$8,870,076 to \$8,054,487 from HCBS FMAP Enhancement Fund.
From \$503,114,738 to \$500,715,244 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.820. — To the Department of Health and Senior Services
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund-County Foreign Tax Distribution, to the Senior Services Growth and Development Program Fund
From General Revenue Fund (0101)\$1

SECTION 10.825. — To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For Home and Community Services grants to be distributed to the Area Agency on Aging, provided that ten percent (10%) flexibility is allowed between these services and meal services, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.955
From General Revenue Fund (0101)\$2,074,704
From Department of Health and Senior Services Federal Fund (0143).....27,544,641
From Department of Health and Senior Services Federal Stimulus Fund (2350)..... 942,111
From Senior Services Growth and Development Program Fund (0419)..... 1

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Matter in bold-face type is proposed language.

For the Division of Senior and Disability Services

For meals to be distributed to each Area Agency on Aging, provided that at least \$500,000 of general revenue be used for non-Medicaid meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year, provided that ten percent (10%) flexibility is allowed between these services and grant services, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101)	9,731,016
From Department of Health and Senior Services Federal Fund (0143).....	6,955,359
From Elderly Home-Delivered Meals Trust Fund (0296)	62,958
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	2,100,000

For the Ombudsman Program operated by the Area Agencies on Aging or their service providers

Expense and Equipment

From General Revenue Fund (0101)	150,000
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	75,369
Total.....	\$49,636,159

SECTION 10.830. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For Alzheimer's program grants to be used by organizations serving individuals with Alzheimer's disease and their caregivers as well as providing statewide respite assistance and support programs to Missouri families to ease burden, enhance quality of life, and reduce the number of persons with Alzheimer's disease who are prematurely or unnecessarily institutionalized, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101)	\$450,000
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For caregiver training programs which include in-home visits that delay the institutionalization of persons with dementia

Expense and Equipment

From General Revenue Fund (0101)	100,000
Total.....	\$550,000

SECTION 10.835. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For senior independent living programs that support seniors aging in place in communities with a high concentration of older adults, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

From General Revenue Fund (0101)	\$400,000
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SECTION 10.840. — To the Department of Health and Senior Services	
For the Division of Senior and Disability Services	
For providing naturalization assistance to refugees and/or legal immigrants who:	
have resided in Missouri more than five years, are unable to benefit or attend	
classroom instruction, and who require special assistance to successfully	
attain the requirements to become a citizen. Services may include direct	
tutoring, assistance with identifying and completing appropriate waiver	
requests to the Immigration and Customs Enforcement agency, and	
facilitating proper documentation. The department shall award a contract	
under this section to a qualified not-for-profit organization which can	
demonstrate its ability to work with this population. A report shall be	
compiled for the General Assembly evaluating the program's effectiveness	
in helping senior refugees and immigrants in establishing citizenship and	
their ability to qualify individuals for Medicare	
Expense and Equipment	
From General Revenue Fund (0101)	\$200,000
*SECTION 10.900. — To the Department of Health and Senior Services	
For the Division of Regulation and Licensure	
For program operations and support, provided that three percent (3%) flexibility	
is allowed from this section to Section 10.955	
Personal Service.....	\$7,142,583
Expense and Equipment.....	<u>804,723</u>
From General Revenue Fund (0101)	7,947,306
Personal Service.....	11,399,156
Expense and Equipment.....	<u>1,810,086</u>
From Department of Health and Senior Services Federal Fund (0143).....	13,209,242
Personal Service.....	707,000
Expense and Equipment.....	<u>300,000</u>
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	1,007,000
Personal Service.....	947,048
Expense and Equipment.....	<u>272,832</u>
From Nursing Facility Quality of Care Fund (0271)	1,219,880
Personal Service.....	69,318
Expense and Equipment.....	<u>13,110</u>
From Mammography Fund (0293)	82,428
For nursing home quality initiatives	
Expense and Equipment	
From Nursing Facility Reimbursement Allowance Fund (0196).....	725,000

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For the Time Critical Diagnosis Unit	
Personal Service.....	166,335
Expense and Equipment.....	<u>8,500</u>
From General Revenue Fund (0101)	174,835
For the Bureau of Narcotics and Dangerous Drugs operations and support	
Personal Service.....	252,942
Expense and Equipment.....	<u>4,620</u>
From General Revenue Fund (0101)	257,562
Personal Service.....	80,767
Expense and Equipment.....	<u>10,970</u>
From Health Access Incentive Fund (0276).....	91,737
For the Bureau of Narcotics and Dangerous Drugs for a Physician Prescription Monitoring Program	
Personal Service.....	230,056
Expense and Equipment.....	<u>134,257</u>
From General Revenue Fund (0101)	364,313
Funds are to be transferred out of General Revenue, to the Epi-pens for Firefighters Fund (0101)	250,000
For the purpose of providing epinephrine auto-injector devices for patients to qualified first responders	
From Epi-pens for Firefighters Fund (0728)	250,000
For medical marijuana program operations and support, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	4,130,486
Expense and Equipment.....	<u>9,497,025</u>
From Missouri Veterans' Health and Care Fund (0606)	13,627,511
For the Medical Marijuana Opportunities program to provide support to facilitate the inclusion of individuals in Missouri's medical marijuana industry who have been negatively and disproportionately impacted by marijuana criminalization and poverty	
Expense and Equipment	
From Missouri Veterans' Health and Care Fund (0606)	200,000
For expending Civil Monetary Penalty funding on federally approved nursing facility activities and projects	
Expense and Equipment	
From Nursing Facility Quality Care Fund (0271)	<u>1,800,000</u>
Total (Not to exceed 437.27 F.T.E.)	\$40,706,814

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*I hereby veto \$250,000 general revenue for the purpose of providing epinephrine auto-injector devices to qualified first responders. This increase was not part of my budget recommendations. This is not an appropriate use of state funding and should be funded locally.

Funds are to be transferred out of General Revenue, to the Epi-pen for Firefighters Fund.
By \$250,000 from \$250,000 to \$0 from General Revenue Fund.

I hereby further veto \$250,000 other funds for the purpose of providing epinephrine auto-injector devices to qualified first responders. This increase was not part of my budget recommendations. This is not an appropriate use of state funding and should be funded locally.

For the purpose of providing epinephrine auto-injector devices for patients to qualified first responders.

By \$250,000 from \$250,000 to \$0 from Epi-pens for Firefighters Fund.

From \$41,206,814 to \$40,706,814 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.905. — To the Department of Health and Senior Services

Funds are to be transferred out of the State Treasury, for health and care services for military veterans as provided by Article XIV, Section 1 of the Missouri Constitution, to the Veterans Assistance Fund

From Missouri Veterans' Health and Care Fund (0606)\$6,843,310

SECTION 10.955. — To the Department of Health and Senior Services

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

From General Revenue Fund (0101)\$1

PART 2

SECTION 10.1000. — To the Department of Mental Health and the Department of Health and Senior Services

In reference to Sections 10.105, 10.110, 10.111, 10.115, 10.210, 10.211, 10.225 and 10.226 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2021, with the exception of the following: revenue maximization initiatives; increases in the contracted base rate for supported community living provided by Residential Care Facilities and Intermediate Care Facilities resulting from a Cost-of-Living Adjustment to Supplemental Security Income benefits; Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health, with the exception of revenue maximization initiatives; Quality Incentive Payments for Certified Community Behavioral Health Clinics; cost-based and actuarially sound rate changes for Comprehensive Substance Treatment and Rehabilitation (CSTAR) programs; and providers of

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children's residential treatment services, for whom no funds shall be expended in furtherance of provider rates greater than: \$119.67 daily for children's basic residential treatment services, \$113.67 daily for children's infant, toddler, or preschool residential treatment services, \$133.04 daily for children's level 2 residential treatment services, \$133.33 daily for children's level 3 residential treatment services, \$175.26 daily for children's level 4 residential treatment services.

***SECTION 10.1005.** — To the Department of Mental Health

In reference to Section 10.410 in Part 1 of this act:

No funds shall be expended in furtherance of provider rates for Division of Developmental Disabilities Community Programs residential services greater than the projected 2020 lower bound market-based rates developed from the Mercer Rate Study for Residential Services dated June 25, 2018.

*I hereby veto this section in its entirety, including the words "In reference to Section 10.410 in Part 1 of this act: No funds shall be expended in furtherance of provider rates for Division of Developmental Disabilities Community Programs residential services greater than the projected 2020 lower bound market-based rates developed from the Mercer Rate Study for Residential Services dated June 25, 2018." This language jeopardizes the state's ability to earn enhanced federal match rates as provided under Sec. 9817 of the American Rescue Plan Act of 2021.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.1010. — To the Department of Health and Senior Services

In reference to Sections 10.810 and 10.815 of Part 1 of this act:

For those Home and Community Based Services rates below the lower bound market-based rate identified in the Mercer Rate Study for Select State Plan and 1915(c) Waiver Services dated January 3, 2020, no funds shall be expended in furtherance greater than 5.29% above the respective lower bound rate identified for each rate, with the exception of the following: Private Duty Nursing rates, for which no funds shall be expended in furtherance of provider rates greater than \$9.64 per fifteen-minute unit of service; For Home and Community Based Services greater than the lower bound market-based rate identified in the Mercer Rate Study for Select State Plan and 1915(c) Waiver Services dated January 3, 2020, no funds shall be expended in furtherance greater than 5.29% above the rate in effect on January 1, 2021.

SECTION 10.1015. — To the Department of Health and Senior Services

The Department of Health and Senior Services shall direct a portion of any federal funds awarded or available to the state under the American Rescue Plan Act of 2021 that are required to be used to implement strategies to detect, diagnose, trace and monitor COVID-19 infections for the purpose of leveraging the development of contact tracing and testing platforms to technology infrastructure and analytics that emphasizes health security and protection, accurate detection of future public health threats, and the

coordination of a rapid and effective state wide response. Furthermore, emphasis should specifically address the speed of data delivery for testing and the speed of execution of contact tracing which were significant challenges during the COVID-19 pandemic. Infrastructure with simplified and end-to-end architectures should be given highest consideration as they have the highest probability of improving public health speed of execution.

SECTION 10.1020. — To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

PART 3

SECTION 10.1100. — To the Department of Mental Health and the Department of Health and Senior Services

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
10.020	9	\$558,856	0
10.020	10	\$5,000,000	0
10.020	12	\$2,000,000	0
10.020	14	\$0	10.50
10.105	6	\$4,627,039	0
10.105	11	\$300,000	0
10.105	34	\$150,000	0
10.110	19	\$19,852,961	0
10.111	7	\$58,731	0
10.111	8	\$188,089	0
10.200	17	\$905,000	0
10.210	17	\$4,865,833	0
10.210	18	\$12,000,000	0
10.210	41	\$500,000	0
10.211	7	\$513,894	0
10.211	8	\$1,645,777	0
10.225	19	\$1,400,000	0
10.226	7	\$161,509	0
10.226	8	\$517,243	0
10.230	6	\$500,000	0
10.236	7	\$1,000,000	0

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Matter in bold-face type is proposed language.

10.400	14	\$2,232,000	0
10.700	55	\$200,700	0
10.720	30	\$6,157,916	0
10.805	12	\$1,712,169	0
10.825	11	\$942,111	0
10.825	27	\$2,100,000	0
10.825	33	\$75,369	0
10.900	6	\$2,356	0
10.900	9	\$9,134	0
10.900	41	\$250,000	0
10.900	49	\$96,000	0

Department of Mental Health Totals

General Revenue Fund.....	\$961,213,629
Federal Funds.....	1,777,321,254
Other Funds.....	<u>47,039,475</u>
Total.....	\$2,785,574,358

Department of Health and Senior Services Totals

General Revenue Fund.....	\$412,180,962
Federal Funds.....	1,927,219,242
Other Funds.....	<u>37,812,425</u>
Total.....	\$2,377,212,629

Approved June 30, 2021

CCS SS SCS HCS HB 11

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Social Services

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2021, and ending June 30, 2022 as follows:

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

PART 1

SECTION 11.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Social Services in implementing the appropriations found in Part 1 and Part 2 of this act and contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

***SECTION 11.005.** — To the Department of Social Services

For the Office of the Director

For the Director's Office, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$2,876
Expense and Equipment.....	<u>25,171</u>
From General Revenue Fund (0101).....	28,047

Personal Service	
From Child Care and Development Block Grant Federal Fund (0168).....	345

Personal Service.....	7,929
Expense and Equipment.....	<u>899</u>
From Department of Social Services Federal Fund (0610).....	8,828

Personal Service	
From Child Support Enforcement Fund (0169).....	7,525

For the department director, provided the director has been confirmed by the Senate to hold the office

Personal Service.....	105,351
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>102,931</u>
From General Revenue Fund (0101).....	208,282
From Department of Social Services Federal Fund (0610).....	29,801
From Child Support Enforcement Fund (0169).....	<u>11,917</u>
Total (Not to exceed 1.93 F.T.E.).....	\$294,745

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

*I hereby veto \$100,799 general revenue for a salary adjustment for the Department Director. This increase was not part of my budget recommendations and undermines the Executive's constitutional authority to appoint and compensate department directors.

In addition, I hereby veto the language "provided the director is confirmed by the Senate to hold the office." This change was not part of my budget recommendations and undermines the Executive's constitutional authority to appoint and compensate department directors.

For the department director.

Annual salary adjustment in accordance with Section 105.005, RSMo. by \$100,799 from \$102,931 to \$2,132 from General Revenue Fund.

From \$208,282 to \$107,483 in total from General Revenue Fund.

From \$294,745 to \$193,946 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 11.006.** — To the Department of Social Services

For the purpose of funding performance incentives for high-achieving department employees

Personal Services

From General Revenue Fund (0101)	\$223,656
From Federal and Other Funds (Various).....	<u>444,902</u>
Total.....	\$668,558

*I hereby veto \$668,558, including \$223,656 general revenue for the purpose of funding performance incentives for high-achieving department employees. Alternative performance-based incentive structures are being analyzed in an effort to maximize this targeted investment in recruiting and retaining state employees.

Said section is vetoed in its entirety.

From \$223,656 to \$0 from general revenue.

From \$444,902 to \$0 from federal and other funds.

From \$668,558 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.008. — To the Department of Social Services

For the Office of the Director

For the Director's Office, Children's Division Residential Program Unit

For administrative expenses

Personal Service

From General Revenue Fund (0101)	\$301,671
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Personal Service

Department of Social Services Federal Fund (0610)	<u>301,671</u>
Total (Not to exceed 12.00 F.T.E.)	\$603,342

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

SECTION 11.010. — To the Department of Social Services
For the Office of the Director
For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

From Department of Social Services Federal Fund (0610).....	\$2,000,000
From Family Services Donations Fund (0167).....	<u>33,999</u>
Total.....	\$2,033,999

SECTION 11.012. — To the Department of Social Services
Funds are to be transferred out of the State Treasury to the OA Information Technology Federal Fund

From Child Care and Development Block Grant Federal Fund (0168).....	\$1,616,328
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SECTION 11.015. — To the Department of Social Services
For the Office of the Director
For the Human Resources Center, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$282,914
Expense and Equipment.....	<u>11,052</u>
From General Revenue Fund (0101)	293,966

Personal Service	
From Child Care and Development Block Grant Federal Fund (0168).....	855

Personal Service	
From Temporary Assistance for Needy Families Federal Fund (0199).....	23,710

Personal Service.....	187,475
Expense and Equipment.....	<u>29,805</u>
From Department of Social Services Federal Fund (0610).....	<u>217,280</u>
Total (Not to exceed 10.52 F.T.E.)	\$535,811

SECTION 11.020. — To the Department of Social Services
For the Office of the Director
For the State Technical Assistance Team (STAT)
For the prevention and investigation of child abuse, child neglect, child sexual abuse, child exploitation/pornography or child fatality cases, as described in Sections 660.520 to 660.528, RSMo, and for administrative expenses, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment; and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

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

Personal Service.....	\$1,179,585
Expense and Equipment.....	<u>200,000</u>
From General Revenue Fund (0101) (Not to exceed 25.50 F.T.E.).....	\$1,379,585

SECTION 11.025. — To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$1,414,914
Expense and Equipment.....	<u>335,610</u>
From General Revenue Fund (0101).....	1,750,524

Personal Service.....	1,695,772
Expense and Equipment.....	<u>860,039</u>
From Department of Social Services Federal Fund (0610).....	2,555,811

Expense and Equipment	
From Recovery Audit and Compliance Fund (0974).....	82,087

Personal Service.....	97,800
Expense and Equipment.....	<u>141,916</u>
From Medicaid Provider Enrollment Fund (0990).....	<u>239,716</u>
Total (Not to exceed 80.05 F.T.E.).....	\$4,628,138

SECTION 11.030. — To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

For a case management, provider enrollment, and fraud abuse and detection system, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment	
From General Revenue Fund (0101).....	\$1,117,552
From Department of Social Services Federal Fund (0610).....	<u>5,882,448</u>
Total.....	\$7,000,000

SECTION 11.035. — To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

For recovery audit services

Expense and Equipment	
From Recovery Audit and Compliance Fund (0974).....	\$1,200,000

SECTION 11.040. — To the Department of Social Services

For the Division of Finance and Administrative Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

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

Personal Service.....	\$1,968,354
Expense and Equipment.....	<u>375,681</u>
From General Revenue Fund (0101).....	2,344,035
Personal Service.....	215,887
Expense and Equipment.....	<u>73,404</u>
From Victims of Crime Act Federal Fund (0146).....	289,291
Personal Service.....	13,252
Expense and Equipment.....	<u>556</u>
From Child Care and Development Block Grant Federal Fund (0168).....	13,808
Personal Service.....	1,190,705
Expense and Equipment.....	<u>236,619</u>
From Department of Social Services Federal Fund (0610).....	1,427,324
Personal Service.....	4,389
Expense and Equipment.....	<u>317</u>
From Department of Social Services Administrative Trust Fund (0545).....	4,706
Personal Service	
From Child Support Enforcement Fund (0169).....	49,715
For the centralized inventory system, for reimbursable goods and services provided by the department, and for related equipment replacement and maintenance expenses	
From Department of Social Services Administrative Trust Fund (0545).....	<u>1,200,000</u>
Total (Not to exceed 64.18 F.T.E.).....	\$5,328,879

SECTION 11.045. — To the Department of Social Services
 For the Division of Finance and Administrative Services
 For the payment of fees to contractors who engage in revenue maximization projects on behalf of the Department of Social Services and the General Assembly
 From Department of Social Services Federal Fund (0610)..... \$3,000,000

SECTION 11.050. — To the Department of Social Services
 For the Division of Finance and Administrative Services
 For the receipt and disbursement of refunds and incorrectly deposited receipts to allow the over-collection of accounts receivables to be paid back to the recipient, provided that no more than twenty-five percent (25%) flexibility is allowed between federal and other funds within this section
 From Title XIX - Federal Fund (0163)..... \$10,250,000
 From Uncompensated Care Fund (0189)..... 1,500,000
 From Temporary Assistance for Needy Families Federal Fund (0199)..... 27,000
 From Department of Social Services Federal Fund (0610)..... 5,000,000
 From Pharmacy Rebates Fund (0114)..... 25,000

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

From Third Party Liability Collections Fund (0120).....	369,000
From Premium Fund (0885).....	<u>5,500,000</u>
Total.....	\$22,671,000

SECTION 11.055. — To the Department of Social Services
 For the Division of Finance and Administrative Services
 For payments to counties and the City of St. Louis toward the care and maintenance of each delinquent or dependent child as provided in Section 211.156, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950
 From General Revenue Fund (0101) \$965,168

SECTION 11.060. — To the Department of Social Services
 For the Division of Legal Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950
 Personal Service..... \$1,437,544
 Expense and Equipment..... 49,628
 From General Revenue Fund (0101) 1,487,172

Personal Service
 From Child Care and Development Block Grant Federal Fund (0168)..... 50,000

Personal Service..... 630,966
 Expense and Equipment..... 230,424
 From Temporary Assistance for Needy Families Federal Fund (0199)..... 861,390

Personal Service..... 1,847,518
 Expense and Equipment..... 164,858
 From Department of Social Services Federal Fund (0610)..... 2,012,376

Personal Service..... 563,295
 Expense and Equipment..... 90,791
 From Third Party Liability Collections Fund (0120)..... 654,086

Personal Service
 From Child Support Enforcement Fund (0169)..... 157,883
 Total (Not to exceed 101.42 F.T.E.) \$5,222,907

SECTION 11.065. — To the Department of Social Services
 For the Division of Legal Services
 For permanency attorneys and permanency attorney contracted services, including reunification, guardianship, adoption, or termination of parental rights, for children in the care, custody, or involved with the Children's Division
 Personal Service..... \$875,046
 Expense and Equipment..... 2,080,595
 From General Revenue Fund (0101) 2,955,641

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

Personal Service	
From Temporary Assistance for Needy Families Federal Fund (0199).....	204,144
Personal Service.....	914,558
Expense and Equipment.....	<u>1,624,456</u>
From Department of Social Services Federal Fund (0610).....	2,539,014
Expense and Equipment.....	
From Department of Social Services Federal Stimulus Fund (2355).....	1,455,355
Personal Service	
From Third Party Liability Collections Fund (0120).....	54,310
Personal Service	
From Child Support Enforcement Fund (0169).....	11,648
For Title IV-E reimbursements to counties and the City of St. Louis for the legal representation of parents and children in juvenile or family courts	
From Department of Social Services Federal Fund (0610).....	<u>500,000</u>
Total (Not to exceed 34.00 F.T.E.)	\$7,720,112
SECTION 11.100. — To the Department of Social Services	
For the Family Support Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950	
Personal Service.....	\$1,587,156
Expense and Equipment.....	<u>16,659</u>
From General Revenue Fund (0101)	1,603,815
Personal Service.....	420,033
Expense and Equipment.....	<u>25,000</u>
From Child Care and Development Block Grant Federal Fund (0168).....	445,033
Personal Service.....	966,843
Expense and Equipment.....	<u>3,031,318</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	3,998,161
Personal Service.....	4,236,855
Expense and Equipment.....	<u>6,110,297</u>
From Department of Social Services Federal Fund (0610).....	10,347,152
Personal Service	
From Child Support Enforcement Fund (0169).....	<u>573,655</u>
Total (Not to exceed 161.90 F.T.E.)	\$16,967,816

SECTION 11.105. — To the Department of Social Services

For the Family Support Division

For the income maintenance field staff and operations, provided that not more
than three percent (3%) flexibility is allowed from this section to Section
11.950

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

Personal Service.....	\$27,960,169
Expense and Equipment.....	<u>5,340,557</u>
From General Revenue Fund (0101).....	33,300,726
Personal Service.....	3,399,444
Expense and Equipment.....	<u>525,000</u>
From Child Care and Development Block Grant Federal Fund (0168).....	3,924,444
Personal Service.....	1,092,847
Expense and Equipment.....	<u>340,117</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,432,964
Personal Service.....	39,487,099
Expense and Equipment.....	<u>7,545,910</u>
From Department of Social Services Federal Fund (0610).....	47,033,009
Expense and Equipment	
From Department of Social Services Federal Stimulus Fund (2355).....	1,350,503
Personal Service.....	862,558
Expense and Equipment.....	<u>27,917</u>
From Health Initiatives Fund (0275).....	890,475
Total (Not to exceed 2,048.24 F.T.E.).....	<u>\$87,932,121</u>

SECTION 11.110. — To the Department of Social Services

For the Family Support Division

For income maintenance and child support staff training, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment

From General Revenue Fund (0101).....	\$103,209
From Child Care and Development Block Grant Federal Fund (0168).....	20,000
From Department of Social Services Federal Fund (0610).....	<u>106,389</u>
Total.....	\$229,598

SECTION 11.115. — To the Department of Social Services

For the Family Support Division

For the electronic benefit transfers (EBT) system

Expense and Equipment

From General Revenue Fund (0101).....	\$1,696,622
From Temporary Assistance for Needy Families Federal Fund (0199).....	100,000
From Department of Social Services Federal Stimulus Fund (2355).....	3,019,376
From Department of Social Services Federal Fund (0610).....	<u>1,399,859</u>
Total.....	\$6,215,857

SECTION 11.120. — To the Department of Social Services

For the Family Support Division

For the receipt of funds from the Polk County and Bolivar Charitable Trust for the exclusive benefit and use of the Polk County Office

From Family Services Donations Fund (0167).....	\$10,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 11.125.— To the Department of Social Services

For the Family Support Division

For contractor, hardware, and other costs associated with planning, development, and implementation of a Family Assistance Management Information System (FAMIS), provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment

From General Revenue Fund (0101)	\$517,908
From Child Care and Development Block Grant Federal Fund (0168).....	25,000
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,084,032
From Department of Social Services Federal Stimulus Fund (2355).....	13,932
From Department of Social Services Federal Fund (0610).....	<u>48,422</u>
Total.....	\$1,689,294

SECTION 11.130.— To the Department of Social Services

For the Family Support Division

For the Missouri Eligibility Determination and Enrollment System (MEDES), provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

For the design, development, implementation, maintenance and operation costs for the family Medicaid and Children's Health Insurance Program (CHIP) eligibility categories under the Modified Adjusted Gross Income (MAGI) based methodology

Expense and Equipment

From General Revenue Fund (0101)	\$2,537,271
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,300,000
From Department of Social Services Federal Fund (0610).....	21,596,865
From Health Initiatives Fund (0275).....	1,000,000

For the design, development, and implementation costs for Supplemental Nutrition Assistance Program (SNAP) eligibility

Expense and Equipment

From General Revenue Fund (0101)	2,688,120
From Temporary Assistance for Needy Families Federal Fund (0199).....	9,134,136
From Department of Social Services Federal Fund (0610).....	20,207,779

For the design, development, and implementation costs for Temporary Assistance (TA) eligibility

Expense and Equipment

From Temporary Assistance for Needy Families Federal Fund (0199).....	200,000
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For the design, development, and implementation costs for Child Care Subsidy eligibility

Expense and Equipment

From Child Care and Development Block Grant Federal Fund (0168).....	200,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the expenses for the independent verification and validation (IV&V) services

Expense and Equipment

From General Revenue Fund (0101)	352,983
From Department of Social Services Federal Fund (0610).....	970,537

For the expenses related to the enterprise content management (ECM) system

Expense and Equipment

From General Revenue Fund (0101)	400,000
From Department of Social Services Federal Fund (0610).....	2,100,000

For the expenses related to the project management office (PMO)

Expense and Equipment

From General Revenue Fund (0101)	713,897
From Department of Social Services Federal Fund (0610).....	<u>1,962,583</u>
Total.....	\$65,364,171

SECTION 11.135. — To the Department of Social Services

For the Family Support Division

For the third party eligibility verification services to utilize public records as well as other established, credible data sources to evaluate income, resources, and assets of each applicant on no less than a quarterly basis; the contractor shall also, on a monthly basis, identify participants of covered programs who have died, moved out of state, or been incarcerated longer than 90 days

Expense and Equipment

From General Revenue Fund (0101)	\$2,407,190
From Child Care and Development Block Grant Federal Fund (0168).....	37,190
From Temporary Assistance for Needy Families Federal Fund (0199).....	90,000
From Department of Social Services Federal Fund (0610).....	<u>4,265,620</u>
Total.....	\$6,800,000

SECTION 11.140. — To the Department of Social Services

For the Family Support Division

For grants and contracts to Community Partnerships and other community initiatives and related expenses, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$632,328
From Temporary Assistance for Needy Families Federal Fund (0199).....	7,525,492
From Department of Social Services Federal Fund (0610).....	78,307

For the purpose of funding a program in any city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants to help under-served youth, ages 18-24, to obtain life skills and gainful employment, and to develop ethical young leaders to take responsibility for their families and communities and to change the conditions of poverty through civic engagement

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

From General Revenue Fund (0101)	100,000
From Temporary Assistance for Needy Families Federal Fund (0199).....	300,000
For the Missouri Mentoring Partnership	
From Temporary Assistance for Needy Families Federal Fund (0199).....	508,700
From Department of Social Services Federal Fund (0610).....	935,000
For a program for adolescents with the goal of preventing teen pregnancies	
From Temporary Assistance for Needy Families Federal Fund (0199).....	600,000
Total.....	\$10,679,827

SECTION 11.145. — To the Department of Social Services

For the Family Support Division

For the Food Nutrition Program

From Department of Social Services Federal Fund (0610).....\$14,343,755

SECTION 11.150. — To the Department of Social Services

For the Family Support Division

For the Missouri Work Assistance Program Unit

For the Healthcare Industry Training and Education (HITE) Program under the provisions of the Health Profession Opportunity Grant (HPOG)

From Department of Social Services Federal Fund (0610).....\$3,000,000

For the Missouri SkillUp Program

From Temporary Assistance for Needy Families Federal Fund (0199).....8,719,104

From Department of Social Services Federal Fund (0610).....4,672,471

For the attendance of Supplemental Nutrition Assistance Program recipients at adult high schools as designated by the Department of Elementary and Secondary Education

From Department of Social Services Federal Fund (0610).....3,150,000

For the attendance of low-income individuals at adult high schools as designated by the Department of Elementary and Secondary Education

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

From Temporary Assistance for Needy Families Federal Fund (0199).....4,900,000

For the Summer Jobs Program

From Temporary Assistance for Needy Families Federal Fund (0199).....850,000

For Jobs for America's Graduates

From Temporary Assistance for Needy Families Federal Fund (0199).....2,750,000

For work assistance programs

From General Revenue Fund (0101)1,855,554

From Temporary Assistance for Needy Families Federal Fund (0199).....18,800,605

For the Foster Care Jobs Program

From Temporary Assistance for Needy Families Federal Fund (0199).....1,000,000

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

For the purpose of funding a program in a city not within a county to foster healthy relationships by strengthening families and reducing the rates of absentee fathers through employment placement, job readiness, and employee retention skills	
From Temporary Assistance for Needy Families Federal Fund (0199).....	500,000
For a program in any home rule city with more than four hundred thousand inhabitants and located in more than one county within an operating center to better the lives of underserved urban youth through the development of artistic, technical, health, and educational skills by giving hands-on training in fine arts and digital literacy thus building partnerships that benefit the community	
From Temporary Assistance for Needy Families Federal Fund (0199).....	100,000
For a program in any home rule city with more than four hundred thousand inhabitants and located in more than one county to teach parenting curriculum and other skills to men, along with assisting them in finding employment, health care, dealing with civil and criminal charges and cases, and other social services thus allowing them to develop healthy and supportive relationships with their kids and families	
From Temporary Assistance for Needy Families Federal Fund (0199).....	100,000
For an organization that provides information technology training and skill building programs for low-income or economically challenged individuals and minority populations in a home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants	
From Temporary Assistance for Needy Families Federal Fund (0199).....	450,000
For the purpose of funding a program in any city not within a county that assists individuals with limited opportunities to self-sufficiency by breaking down barriers to self-sufficiency, creating a safer and more inclusive community	
From Temporary Assistance for Needy Families Federal Fund (0199).....	250,000
For a program located in a city not within a county that assists participants in obtaining post secondary education and job training and teaching the imperative career-skill and work ethic necessary to become successful employees and that serves economically disadvantaged African American males to find jobs and have the opportunity to earn livable wages	
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>500,000</u>
Total.....	\$53,597,734

SECTION 11.155. — To the Department of Social Services

For the Family Support Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950	
For the Temporary Assistance for Needy Families (TANF) benefits and Temporary Assistance (TA) Diversion transitional benefits	
From General Revenue Fund (0101)	\$3,856,800
From Temporary Assistance for Needy Families Federal Fund (0199).....	23,948,631

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

For support to Food Banks' effort to provide services and food to low-income individuals	
From Temporary Assistance for Needy Families Federal Fund (0199).....	10,000,000
For an evidence-based program through a school-based early warning and response system that improves student attendance, behavior and course performance in reading and math by identifying the root causes for student absenteeism, classroom disruption, and course failure	
From Temporary Assistance for Needy Families Federal Fund (0199).....	500,000
For payments to qualified agencies for TANF or TANF maintenance of effort after school support programs	
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,000,000
For payments to qualified agencies for TANF or TANF maintenance of effort out of school support programs	
From Temporary Assistance for Needy Families Federal Fund (0199).....	2,000,000
For a public school located in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than sixteen thousand but fewer than eighteen thousand inhabitants, a public school located in any city of the fourth classification with more than ten thousand but fewer than eleven thousand four hundred inhabitants and located in any county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, and a public school located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the fourth classification with more than seven hundred but fewer than eight hundred inhabitants as the county seat, for a model that uses integrated student support in collaboration with local communities to address barriers to student success	
From Temporary Assistance for Needy Families Federal Fund (0199).....	600,000
For an organization with a program with the goal of reaching independence from poverty through support, education, career development, financial planning, and mentoring in a home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants	
From Temporary Assistance for Needy Families Federal Fund (0199).....	700,000
For a community development organization dedicated to individual and family well-being through social services, behavioral health counseling and the arts in any home rule city with more than four hundred thousand inhabitants and located in more than one county in order to build a stronger city by working toward creating a community for individuals and families to be healthy, safe and able to thrive through embracing inclusion, cultivating growth and inspiring hope	
From Temporary Assistance for Needy Families Federal Fund (0199).....	200,000

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

For services that provide assistance and engagement to address critical areas of need for low income individuals, families, and children located in a city not within a county	
From Temporary Assistance for Needy Families Federal Fund (0199).....	300,000
For a program located in a city not within a county that helps youth, families, and older adults attain self-sustaining lives by providing innovative social, educational and recreational resources	
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>200,000</u>
Total.....	\$43,305,431

SECTION 11.160. — To the Department of Social Services

For the Family Support Division

For alternatives to abortion services, including the provision of diapers and other infant hygiene products to women who qualify for alternative to abortion services, provided that if the Department grants or allocates funds to certain not-for-profit organizations or regions of the state that are unused or anticipated to be unused, then the Department shall redistribute such funds to other not-for-profit organizations or regions of the state to ensure that all the funds appropriated are available to serve women who qualify for alternatives to abortion services	
From General Revenue Fund (0101)	\$2,033,561
From Temporary Assistance for Needy Families Federal Fund (0199).....	4,300,000
From Department of Social Services Federal Fund (0610).....	50,000

For the alternatives to abortion public awareness program	
From General Revenue Fund (0101)	75,000

For a healthy marriage and fatherhood initiative	
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>2,500,000</u>
Total.....	\$8,958,561

SECTION 11.165. — To the Department of Social Services

For the Family Support Division

For supplemental payments to aged or disabled persons	
From General Revenue Fund (0101)	\$10,872

SECTION 11.170. — To the Department of Social Services

For the Family Support Division

For nursing care payments to aged, blind, or disabled persons, and for personal funds to recipients of Supplemental Nursing Care payments as required by Section 208.030, RSMo	
From General Revenue Fund (0101)	\$25,420,885

SECTION 11.175. — To the Department of Social Services

For the Family Support Division

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

For Blind Pension and supplemental payments to blind persons, provided that the Department of Social Services, whenever it calculates a new estimated rate or rates for the Blind Pension and/or supplemental payments to blind persons for the upcoming fiscal year, shall transmit the new estimated rate or rates, as well as the accompanying assumptions and calculations used to create the new estimated rate or rates, to the following organizations: Missouri Council for the Blind, National Federation of the Blind of Missouri, and the State Rehabilitation Council

From Blind Pension Fund (0621).....\$37,262,368

SECTION 11.180. — To the Department of Social Services
For the Family Support Division
For community services programs provided by Community Action Agencies or other not-for-profit organizations under the provisions of the Community Services Block Grant

From Department of Social Services Federal Fund (0610).....\$23,637,000
From Department of Social Services Federal Stimulus Fund (2355) 27,847,053
Total.....\$51,484,053

SECTION 11.185. — To the Department of Social Services
For the Family Support Division
For the Emergency Solutions Grant Program

From Department of Social Services Federal Fund (0610).....\$4,130,000
From Department of Social Services Federal Stimulus Fund (2355).....28,331,553

For a program that provides shelter for homeless in any city of the third classification with more than seventeen thousand but fewer than nineteen thousand inhabitants and that is the county seat of any county of the fourth classification with more than forty-eight thousand but fewer than sixty thousand inhabitants

From Department of Social Services Federal Fund (0610)..... 50,000
Total.....\$32,511,553

SECTION 11.190. — To the Department of Social Services
For the Family Support Division
For the Food Distribution Program and the receipt and disbursement of Donated Food Program payments

From Department of Social Services Federal Fund (0610).....\$3,675,029
From Department of Social Services Federal Stimulus Fund (2355)..... 6,026,000
Total.....\$9,701,029

SECTION 11.195. — To the Department of Social Services
For the Family Support Division
For the Low-Income Home Energy Assistance Program, provided the eligible household income does not exceed one hundred and fifty percent (150%) of the federal poverty level or sixty percent (60%) of the state median income (SMI)

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

From Department of Social Services Federal Fund (0610).....	\$99,563,902
From Department of Social Services Federal Stimulus Fund (2355).....	18,269,392
For the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, provided the eligible household income does not exceed one hundred and fifty percent (150%) of the federal poverty level or sixty percent (60%) of the state median income (SMI)	
From Department of Social Services Federal Stimulus Fund (2355).....	<u>12,760,000</u>
Total.....	\$130,593,294

SECTION 11.197. — To the Department of Social Services

For the Family Support Division

For a nonprofit organization located in a city not within a county that builds homes and communities that is dedicated to eliminating substandard housing in a city not within a county and empowers local families to build and purchase their own home

From General Revenue Fund (0101)	\$250,000
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SECTION 11.200. — To the Department of Social Services

For the Family Support Division

For grants to not-for-profit organizations for services and programs to assist victims of domestic violence, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$5,000,000
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,600,000
From Department of Social Services Federal Fund (0610).....	2,116,524
From Department of Social Services Federal Stimulus Fund (2355).....	388,730

For emergency shelter services to assist victims of domestic violence

From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>562,137</u>
Total.....	\$9,667,391

SECTION 11.205. — To the Department of Social Services

For the Family Support Division

For the Victims of Crime Act (VOCA) Unit

For the administrative expenses of the Victims of Crime Act program

Personal Service.....	\$401,191
Expense and Equipment.....	<u>100,000</u>

From Victims of Crime Act Federal Fund (0146)	501,191
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For training and technical assistance expenses for the Victims of Crime Act program

Expense and Equipment

From Victims of Crime Act Federal Fund (0146)	500,000
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For the information technology expenses for the Victims of Crime Act program

Expense and Equipment

From Victims of Crime Act Federal Fund (0146)	<u>1,000,000</u>
Total (Not to exceed 8.00 F.T.E.).....	\$2,001,191

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

SECTION 11.210. — To the Department of Social Services
 For the Family Support Division
 For the Victims of Crime Act (VOCA) Unit
 For grants to organizations for services and programs to assist victims of crime,
 provided that such funds shall be awarded through a competitive grant
 process
 From Victims of Crime Act Federal Fund (0146)\$65,035,217

SECTION 11.215. — To the Department of Social Services
 For the Family Support Division
 For the Victims of Crime Act (VOCA) Unit
 For grants to not-for-profit organizations for services and programs to assist
 victims of sexual assault, provided that not more than three percent (3%)
 flexibility is allowed from this section to Section 11.950
 From General Revenue Fund (0101)\$750,000

SECTION 11.220. — To the Department of Social Services
 For the Family Support Division
 For the administration of blind services, provided that not more than three
 percent (3%) flexibility is allowed from this section to Section 11.950
 Personal Service.....\$878,475
 Expense and Equipment..... 134,031
 From General Revenue Fund (0101) 1,012,506

Personal Service..... 3,254,894
 Expense and Equipment..... 748,577
 From Department of Social Services Federal Fund (0610)..... 4,003,471
 Total (Total not to exceed 102.69 F.T.E.).....\$5,015,977

SECTION 11.225. — To the Department of Social Services
 For the Family Support Division
 For services for the visually impaired, provided that not more than three percent
 (3%) flexibility is allowed from this section to Section 11.950
 From General Revenue Fund (0101)\$1,491,125
 From Department of Social Services Federal Fund (0610)..... 6,406,310
 From Family Services Donations Fund (0167)..... 99,995
 From Blindness Education, Screening and Treatment Program Fund (0892)..... 349,000
 From Department of Social Services Federal Stimulus Fund (2355)..... 268,757
 Total.....\$8,615,187

SECTION 11.230. — To the Department of Social Services
 For the Family Support Division
 For business enterprise programs for the blind
 From Department of Social Services Federal Fund (0610).....\$42,003,034

SECTION 11.235. — To the Department of Social Services
 For the Family Support Division
 For Child Support Enforcement field staff and operations, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$3,384,788
Expense and Equipment.....	<u>3,480,652</u>
From General Revenue Fund (0101)	6,865,440
Personal Service.....	16,973,487
Expense and Equipment.....	<u>8,444,509</u>
From Department of Social Services Federal Fund (0610).....	25,417,996
Personal Service.....	2,269,321
Expense and Equipment.....	<u>492,234</u>
From Child Support Enforcement Fund (0169).....	<u>2,761,555</u>
Total (Not to exceed 651.24 F.T.E.)	\$35,044,991

SECTION 11.240. — To the Department of Social Services
 For the Family Support Division
 For reimbursements to counties and the City of St. Louis and contractual agreements with local governments providing child support services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$2,240,491
From Department of Social Services Federal Fund (0610).....	14,886,582
From Child Support Enforcement Fund (0169).....	<u>400,212</u>
Total.....	\$17,527,285

SECTION 11.245. — To the Department of Social Services
 For the Family Support Division
 For reimbursements to the federal government for federal Temporary Assistance for Needy Families payments, refunds of bonds, refunds of support payments or overpayments, and distributions to families

From Department of Social Services Federal Fund (0610).....	\$107,642,875
From Debt Offset Escrow Fund (0753).....	<u>9,000,000</u>
Total.....	\$116,642,875

SECTION 11.250. — To the Department of Social Services
 Funds are to be transferred out of the State Treasury to the Department of Social Services Federal Fund

From Debt Offset Escrow Fund (0753).....	\$955,000
Funds are to be transferred out of the State Treasury to the Child Support Enforcement Fund	
From Debt Offset Escrow Fund (0753).....	<u>245,000</u>
Total.....	\$1,200,000

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 Matter in bold-face type is proposed language.

SECTION 11.300. — To the Department of Social Services	
For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950	
Personal Service.....	\$1,555,874
Expense and Equipment.....	<u>1,772,744</u>
From General Revenue Fund (0101).....	3,328,618
Personal Service	
From Child Care and Development Block Grant Federal Fund (0168).....	35,678
Personal Service	
From Temporary Assistance for Needy Families Federal Fund (0199).....	784,336
Personal Service.....	1,472,897
Expense and Equipment.....	<u>1,010,875</u>
From Department of Social Services Federal Fund (0610).....	2,483,772
Expense and Equipment	
From Third Party Liability Collections Fund (0120).....	<u>51,675</u>
Total (Not to exceed 77.94 F.T.E.)	\$6,684,079
*SECTION 11.305. — To the Department of Social Services	
For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950	
For the Children's Division field staff and operations	
Personal Service.....	\$38,950,851
Expense and Equipment.....	<u>2,533,437</u>
From General Revenue Fund (0101).....	41,484,288
Personal Service	
From Child Care and Development Block Grant Federal Fund (0168).....	168,531
Personal Service.....	12,972,373
Expense and Equipment.....	<u>1,756,362</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	14,728,735
Personal Service.....	29,715,512
Expense and Equipment.....	<u>3,035,368</u>
From Department of Social Services Federal Fund (0610).....	32,750,880
Personal Service.....	77,997
Expense and Equipment.....	<u>31,593</u>
From Health Initiatives Fund (0275).....	109,590
For recruitment and retention services	
From General Revenue Fund (0101).....	572,787
From Department of Social Services Federal Fund (0610).....	793,132

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

For the creation of a mobile application that can be accessed by children's division caseworkers, licensed foster families, foster care licensure applicants, parents or guardians of children in foster care and other key parties. Such application shall enable streamlined communication and information sharing to improve the functionality of processes including but not limited to foster home licensure applications, foster family requests for services, and recordkeeping for children in state custody
 From Department of Social Services Federal Stimulus Fund (2355)..... 1,000,000

For the creation of a foster care portal software that can be accessed by children's division caseworkers, licensed foster families, foster care licensure applicants, parents or guardians of children in foster care and other key parties to ensure streamlined communication and information sharing
 From General Revenue Fund (0101) 250,000
 Total (Not to exceed 1,850.29 F.T.E.)\$91,857,943

*I hereby veto \$2,110,111, including \$1,004,385 general revenue, for a three percent pay increase for Children's Division case workers and supervisors. In order to ensure equity across departments and divisions, specialized pay plans should be part of a comprehensive pay evaluation.

For the Children's Division field staff and operations.
 Personal Service by \$1,004,385 from \$38,950,851 to \$37,946,466 from General Revenue Fund.
 From \$41,484,288 to \$40,479,903 in total from General Revenue Fund.

Personal Service by \$338,506 from \$12,972,373 to \$12,633,867 from Temporary Assistance for Needy Families Federal Fund.
 From \$14,728,735 to \$14,390,229 in total from Temporary Assistance for Needy Families Federal Fund.

Personal Service by \$766,103 from \$29,715,512 to \$28,949,409 from Department of Social Services Federal Fund.
 From \$32,750,880 to \$31,984,777 in total from Department of Social Services Federal Fund.

Personal Service by \$1,117 from \$77,997 to \$76,880 from the Health Initiatives Fund.
 From \$109,590 to \$108,473 in total from Health Initiatives Fund.

From \$91,857,943 to \$89,747,832 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 11.310. — To the Department of Social Services
 For the Children's Division
 For Children's Division staff training, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950
 Expense and Equipment
 From General Revenue Fund (0101)\$1,074,436
 From Department of Social Services Federal Fund (0610)..... 585,112
 Total.....\$1,659,548

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

SECTION 11.315.— To the Department of Social Services

For the Children's Division, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.315, 11.325, 11.326, 11.327, 11.345, and 11.355, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

For children's treatment services including, but not limited to, home-based services, day treatment services, preventive services, family reunification services, or intensive in-home services

From General Revenue Fund (0101)	\$11,798,378
From Title XIX - Federal Fund (0163)	50,000
From Temporary Assistance for Needy Families Federal Fund (0199).....	425,286
From Department of Social Services Federal Fund (0610).....	9,796,892

For crisis care

From General Revenue Fund (0101)	2,050,000
Total.....	\$24,120,556

SECTION 11.320.— To the Department of Social Services

For the Children's Division

For costs associated with the implementation of the Family First Prevention Services Act

From Department of Social Services Federal Fund (0610).....	\$10,000,000
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SECTION 11.325.— To the Department of Social Services

For the Children's Division

For foster care placement special expenses, respite services, and transportation expenses; expenses related to training of foster parents, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.315, 11.325, 11.326, 11.327, 11.345, and 11.355, and further provided ten percent (10%) flexibility is allowed between Section 11.325 and Section 11.745

From General Revenue Fund (0101)	\$7,893,525
From Temporary Assistance for Needy Families Federal Fund (0199).....	4,506,016
From Department of Social Services Federal Fund (0610).....	1,609,002

For foster care treatment costs in an outdoor learning foster care program that is licensed or accredited for treatment programming with the reimbursement rate for this service determined by a cost study for payment in addition to other service rates for the foster child, provided that such reimbursement rate shall not exceed the appropriation authority, and further provided that no funds shall be expended to any vendor whose employees or former employees, since January 1, 2019, have been charged by a county or federal prosecutor or indicted by a grand jury for any crime against children

From General Revenue Fund (0101)	183,385
From Department of Social Services Federal Fund (0610).....	316,615

For awards to licensed community-based foster care and adoption recruitment programs

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

From Foster Care and Adoptive Parents Recruitment and Retention Fund (0979).....	<u>15,000</u>
Total.....	<u>\$14,523,543</u>

SECTION 11.326. — To the Department of Social Services

For the Children's Division

For foster care maintenance payments, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.315, 11.325, 11.326, 11.327, 11.345, and 11.355

From General Revenue Fund (0101)	\$33,503,098
From Temporary Assistance for Needy Families Federal Fund (0199).....	18,397,326
From Department of Social Services Federal Fund (0610).....	18,152,473
From Alternative Care Trust Fund (0905).....	<u>6,000,000</u>
Total.....	<u>\$76,052,897</u>

SECTION 11.327. — To the Department of Social Services

For the Children's Division

For residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.315, 11.325, 11.326, 11.327, 11.345, and 11.355

From General Revenue Fund (0101)	\$44,481,846
From Temporary Assistance for Needy Families Federal Fund (0199).....	13,234,358
From Department of Social Services Federal Fund (0610).....	<u>15,208,242</u>
Total.....	<u>\$72,924,446</u>

SECTION 11.330. — To the Department of Social Services

For the Children's Division

For contractual payments for expenses related to training of foster parents

From General Revenue Fund (0101)	\$603,510
From Department of Social Services Federal Fund (0610).....	<u>372,933</u>
Total.....	<u>\$976,443</u>

SECTION 11.335. — To the Department of Social Services

For the Children's Division

For costs associated with attending post-secondary education including, but not limited to tuition, books, fees, room and board for current or former foster youth, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$188,848
From Temporary Assistance for Needy Families Federal Fund (0199).....	450,000
From Department of Social Services Federal Fund (0610).....	1,050,000
From Department of Social Services Federal Stimulus Fund (2355).....	<u>1,485,593</u>
Total.....	<u>\$3,174,441</u>

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

SECTION 11.340. — To the Department of Social Services

For the Children's Division

For comprehensive case management contracts through community-based organizations as described in Section 210.112, RSMo; the purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings; services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in-home services, family reunification services, and specialized recruitment and training of foster care families, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$22,115,385
From Department of Social Services Federal Fund (0610).....	<u>17,670,948</u>
Total.....	\$39,786,333

SECTION 11.345. — To the Department of Social Services

For the Children's Division, provided that not more than ten percent (10%) flexibility is allowed between subsections within this section, and provided that not more than ten percent (10%) flexibility is allowed between Sections 11.315, 11.325, 11.326, 11.327, 11.345, and 11.355

For adoption subsidy payments

From General Revenue Fund (0101)	\$41,781,134
From Temporary Assistance for Needy Families Federal Fund (0199).....	14,847,573
From Department of Social Services Federal Fund (0610).....	39,596,107

For guardianship subsidy payments

From General Revenue Fund (0101)	15,660,421
From Temporary Assistance for Needy Families Federal Fund (0199).....	11,860,598
From Department of Social Services Federal Fund (0610).....	<u>12,744,888</u>
Total.....	\$136,490,721

SECTION 11.350. — To the Department of Social Services

For the Children's Division

For Family Resource Centers to expand services to include but not limited to Extreme Recruitment, CCYP, Protective Services, Fostering Prevention, Aging Out Solutions, Family Finding, and 30 Days to Family, provided twenty percent (20%) is allowed between the funding of family resource centers and extreme recruitment for older youth with mental health and behavioral issues

From General Revenue Fund (0101)	\$3,203,564
From Temporary Assistance for Needy Families Federal Fund (0199).....	989,075
From Department of Social Services Federal Fund (0610).....	4,201,049

For extreme recruitment for older youth with significant mental health and behavioral issues

From General Revenue Fund (0101)	875,000
From Department of Social Services Federal Fund (0610).....	900,000

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

For the Community Connections for Youth Program for an adoption resource center located in southwest Missouri and one center located in western Missouri to provide advocacy support services for youth between the ages of sixteen and twenty-six to prevent foster care youth from becoming missing, locate missing foster care youth, prevent sex trafficking of foster care youth, and assist youth who have aged out of the foster care system
 From Department of Social Services Federal Fund (0610)..... 600,000

For a Family Resource Center in any city of the third classification with more than nineteen thousand but fewer than twenty-one thousand inhabitants and located in any county of the third classification without a township form of government and with more than forty-five thousand but fewer than fifty-two thousand inhabitants
 From General Revenue Fund (0101) 75,000
 From Department of Social Services Federal Fund (0610)..... 825,000

For the Kinship Navigator program
 From Department of Social Services Federal Fund (0610)..... 372,318

For the Behavioral Interventionist program and for behavioral personal care assistance services, expanded BI services with additional clinicians, and other services to include, but not limited to Respite rate increases for foster care, adoption subsidy, and guardianship subsidy, foster parent training subsidies, Extreme Recruitment, CCYP, Protective Services Childcare, Fostering Prevention, Aging Out Solutions, Family Finding, and 30 Days to Family, Kinship Navigator, RESPOND, Treatment Foster Homes, Elevated Needs Foster Homes and Trauma Training, Behavioral Health Program, traditional foster care treatment, and improved outreach through new technologies
 From General Revenue Fund (0101) 1,680,000
 From Department of Social Services Federal Fund (0610)..... 7,507,267

For the foster care training incentive or supplemental payments
 From General Revenue Fund (0101) 1,250,000
 From Department of Social Services Federal Fund (0610)..... 1,250,000

For a Family Resource Center in any home rule city with more than seventeen thousand but fewer than nineteen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than twenty-six thousand but fewer than twenty-nine thousand inhabitants and in any city of the third classification with more than five thousand but fewer than six thousand inhabitants and located in any county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen thousand inhabitants
 From General Revenue Fund (0101) 600,000
 Total.....\$24,328,273

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

SECTION 11.355. — To the Department of Social Services
 For the Children's Division
 For independent living placements and transitional living services, provided that
 not more than ten percent (10%) flexibility is allowed between Sections
 11.315, 11.325, 11.326, 11.327, 11.345, and 11.355

From General Revenue Fund (0101)	\$1,647,584
From Department of Social Services Federal Fund (0610).....	3,671,203
From Department of Social Services Federal Stimulus Fund (2355).....	<u>10,220,877</u>
Total.....	\$15,539,664

SECTION 11.360. — To the Department of Social Services
 For the Children's Division
 For Regional Child Assessment Centers, provided that not more than three
 percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$1,649,475
From Department of Social Services Federal Fund (0610).....	800,000
From Health Initiatives Fund (0275).....	<u>501,048</u>
Total.....	\$2,950,523

SECTION 11.365. — To the Department of Social Services
 For the Children's Division
 For residential placement payments to counties for children in the custody of
 juvenile courts

From Department of Social Services Federal Fund (0610).....	\$175,000
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SECTION 11.375. — To the Department of Social Services
 For the Children's Division
 For CASA IV-E allowable training costs

From Department of Social Services Federal Fund (0610).....	\$150,000
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SECTION 11.380. — To the Department of Social Services
 For the Children's Division
 For the Child Abuse and Neglect Prevention Grant and Children's Justice Act
 Grant

From Department of Social Services Federal Fund (0610).....	\$1,770,784
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SECTION 11.385. — To the Department of Social Services
 For the Children's Division
 For transactions involving personal funds of children in the custody of the
 Children's Division

From Alternative Care Trust Fund (0905).....	\$10,000,000
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SECTION 11.400. — To the Department of Social Services
 For the Division of Youth Services
 For the Central Office and regional offices, provided that not more than three
 percent (3%) flexibility is allowed from this section to Section 11.950

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

Personal Service.....	\$793,661
Expense and Equipment.....	<u>81,090</u>
From General Revenue Fund (0101)	874,751
Personal Service.....	201,911
Expense and Equipment.....	<u>13,824</u>
From Title XIX - Federal Fund (0163).....	215,735
Personal Service.....	832,337
Expense and Equipment.....	<u>86,672</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	919,009
Expense and Equipment	
From Youth Services Treatment Fund (0843)	<u>999</u>
Total (Not to exceed 39.30 F.T.E.)	\$2,010,494

SECTION 11.405. — To the Department of Social Services

For the Division of Youth Services

For treatment services, including foster care and contractual payments, provided up to \$500,000 can be used for juvenile court diversion, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$18,486,775
Expense and Equipment.....	<u>1,164,816</u>
From General Revenue Fund (0101)	19,651,591
Personal Service.....	10,956,574
Expense and Equipment.....	<u>1,514,570</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	12,471,144
Personal Service.....	4,762,634
Expense and Equipment.....	<u>5,204,063</u>
From Title XIX - Federal Fund (0163).....	9,966,697
Personal Service.....	3,395,479
Expense and Equipment.....	<u>3,853,274</u>
From DOSS Educational Improvement Fund (0620)	7,248,753
Personal Service.....	146,367
Expense and Equipment.....	<u>9,106</u>
From Health Initiatives Fund (0275).....	155,473
Expense and Equipment	
From Youth Services Products Fund (0764).....	5,000

For overtime to non-exempt state employees and/or for paying otherwise authorized personal service expenditures in lieu of such overtime payments; non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds to be used to pay overtime to any other state employees

From General Revenue Fund (0101)	935,935
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For payment distribution of Social Security benefits received on behalf of youth in care	
From Division of Youth Services Child Benefits Fund (0727)	200,000
Total (Not to exceed 1,048.38 F.T.E.)	\$50,634,593

SECTION 11.410. — To the Department of Social Services

For the Division of Youth Services

For incentive payments to counties for community-based treatment programs
for youth, provided that not more than three percent (3%) flexibility is
allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$3,479,486
From Gaming Commission Fund (0286)	500,000
Total	\$3,979,486

SECTION 11.600. — To the Department of Social Services

For the MO HealthNet Division

For administrative services, provided that not more than three percent (3%)
flexibility is allowed from this section to Section 11.950, and further
provided one quarter of one percent (0.25%) flexibility is allowed between
this section and Section 11.620 to Sections 11.700, 11.715, 11.730, 11.745,
11.750, 11.760, and 11.765

Personal Service	\$3,339,291
Expense and Equipment	8,738,305
From General Revenue Fund (0101)	12,077,596
Personal Service	6,360,774
Expense and Equipment	15,124,446
From Department of Social Services Federal Fund (0610)	21,485,220
Personal Service	443,363
Expense and Equipment	55,553
From Pharmacy Rebates Fund (0114)	498,916
Personal Service	107,253
Expense and Equipment	232,708
From Federal Reimbursement Allowance Fund (0142)	339,961
Personal Service	28,044
Expense and Equipment	356
From Pharmacy Reimbursement Allowance Fund (0144)	28,400
Personal Service	462,272
Expense and Equipment	41,385
From Health Initiatives Fund (0275)	503,657
Personal Service	91,414
Expense and Equipment	10,281
From Nursing Facility Quality of Care Fund (0271)	101,695

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

Personal Service.....	430,010
Expense and Equipment.....	<u>488,041</u>
From Third Party Liability Collections Fund (0120).....	918,051
Expense and Equipment	
From Life Sciences Research Trust Fund (0763)	3,000
Personal Service	
From Missouri Rx Plan Fund (0779).....	376,218
Personal Service.....	19,558
Expense and Equipment.....	<u>128,466</u>
From Ambulance Service Reimbursement Allowance Fund (0958).....	148,024
Personal Service.....	47,352
Expense and Equipment.....	<u>425,372</u>
From Ground Emergency Medical Transportation Fund (0422).....	<u>472,724</u>
Total (Not to exceed 224.20 F.T.E.)	\$36,953,462

SECTION 11.605. — To the Department of Social Services

For the MO HealthNet Division

For clinical services management related to the administration of the MO HealthNet Pharmacy fee-for-service and managed care programs and administration of the Missouri Rx Plan, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment	
From General Revenue Fund (0101)	\$461,917
From Department of Social Services Federal Fund (0610).....	12,214,032
From Third Party Liability Collections Fund (0120).....	924,911
From Missouri Rx Plan Fund (0779).....	62,947
From Pharmacy Rebates Fund (0114).....	<u>497,648</u>
Total.....	\$14,161,455

SECTION 11.610. — To the Department of Social Services

For the MO HealthNet Division

For MO HealthNet Transformation initiatives

Personal Service.....	\$242,400
Expense and Equipment.....	<u>6,130,458</u>
From General Revenue Fund (0101)	6,372,858
Personal Service.....	242,400
Expense and Equipment.....	<u>27,379,318</u>
From Department of Social Services Federal Fund (0610).....	<u>27,621,718</u>
Total (Not to exceed 6.00 F.T.E.).....	\$33,994,576

SECTION 11.615. — To the Department of Social Services

For the MO HealthNet Division

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

For fees associated with third-party collections and other revenue maximization cost avoidance fees Expense and Equipment	
From Department of Social Services Federal Fund (0610).....	\$4,250,000
From Third Party Liability Collections Fund (0120).....	<u>4,250,000</u>
Total.....	\$8,500,000

SECTION 11.620. — To the Department of Social Services

For the MO HealthNet Division

For the operation of the information systems, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950, and further provided one quarter of one percent (0.25%) flexibility is allowed between this section and Section 11.600 to Sections 11.700, 11.715, 11.730, 11.745, 11.750, 11.760, and 11.765

From General Revenue Fund (0101)	\$34,981,032
From Department of Social Services Federal Fund (0610).....	78,687,314
From Health Initiatives Fund (0275).....	1,591,687
From Uncompensated Care Fund (0108).....	<u>430,000</u>
Total.....	\$115,690,033

SECTION 11.625. — To the Department of Social Services

For the MO HealthNet Division

For Healthcare Technology Incentives and administration

From Federal Stimulus-Social Services Fund (2292).....	\$28,000,000
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SECTION 11.630. — To the Department of Social Services

For the MO HealthNet Division

For reimbursement of the allowable costs of health information technology investments of hospitals and their affiliated information networks or health information technology providers that have been authorized under a CMS-approved implementation advance planning document amendment submitted by the MO HealthNet Division

From Federal Reimbursement Allowance Fund (0142).....	\$1,000,000
From Title XIX - Federal Fund (0163).....	<u>9,000,000</u>
Total.....	\$10,000,000

SECTION 11.635. — To the Department of Social Services

For the MO HealthNet Division

For expenditures related to connecting eligible Medicaid providers under the Medicaid Electronic Health Record (EHR) Incentive Program to other MO HealthNet providers through health information exchanges (HIE) or other interoperable system or the costs of other activities that promote providers' use of EHR or HIE, except that no single vendor can be awarded an exclusive contract to provide said services

From General Revenue Fund (0101)	\$1,000,000
From Title XIX - Federal Fund (0163).....	<u>9,000,000</u>
Total.....	\$10,000,000

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Matter in bold-face type is proposed language.

SECTION 11.640. — To the Department of Social Services
 For the MO HealthNet Division
 For the Money Follows the Person Program
 From Department of Social Services Federal Fund (0610)..... \$532,549

SECTION 11.700. — To the Department of Social Services
 For the MO HealthNet Division, provided that not more than three percent (3%)
 flexibility is allowed from this section to Section 11.950
 For pharmaceutical payments under the MO HealthNet fee-for-service program,
 professional fees for pharmacists, and for a comprehensive chronic care risk
 management program, provided that not more than ten percent (10%)
 flexibility is allowed between this subsection and Sections 11.700, 11.715,
 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800,
 11.805, and 11.815, and further provided that not more than one quarter of
 one percent (0.25%) flexibility is allowed between this section and Sections
 11.600 and 11.620

From General Revenue Fund (0101)	\$125,793,750
From Title XIX - Federal Fund (0163).....	901,650,626
From Pharmacy Rebates Fund (0114).....	257,176,681
From Third Party Liability Collections Fund (0120).....	4,217,574
From Pharmacy Reimbursement Allowance Fund (0144)	24,650,223
From Health Initiatives Fund (0275).....	3,543,350
From Premium Fund (0885).....	3,800,000

For Medicare Part D Clawback payments, provided that not more than ten
 percent (10%) flexibility is allowed between this subsection and Sections
 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765,
 11.785, 11.800, 11.805, and 11.815

From General Revenue Fund (0101)	220,978,651
Total.....	\$1,541,810,855

SECTION 11.702 — To the Department of Social Services
 For MO HealthNet Division
 Funds are to be transferred out of the State Treasury to the Budget
 Stabilization Fund
 From FMAP Enhancement Fund (0181).....\$500,000,000

Funds are to be transferred out of the State Treasury to the Medicaid
 Stabilization Fund

From FMAP Enhancement Fund (0181).....	500,000,000
Total.....	\$1,000,000,000

***SECTION 11.705.** — To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding pharmaceutical payments under the Missouri Rx Plan
 authorized by Sections 208.780 through 208.798, RSMo

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

From General Revenue Fund (0101)	\$4,765,778
From Missouri Rx Plan Fund (0779).....	<u>2,788,774</u>
Total.....	\$7,554,552

*I hereby veto \$1,000,000 general revenue for expansion of the Missouri Rx Plan. Currently, the Missouri Rx Plan only provides services to dual participants who are eligible for both Medicaid and Medicare. This funding was not part of my budget recommendations and is not sufficient for the Missouri Rx Plan to account for all non-dual eligible individuals without significant additional funding.

By \$1,000,000 from \$4,765,778 to \$3,765,778 from General Revenue Fund.
 From \$7,554,552 to \$6,554,552 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 11.710. — To the Department of Social Services
 For the MO HealthNet Division
 For Pharmacy Reimbursement Allowance payments as provided by law
 From Pharmacy Reimbursement Allowance Fund (0144)\$108,000,000

SECTION 11.715. — To the Department of Social Services
 For the MO HealthNet Division
 For physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, asthma related services, diabetes prevention and obesity related services, services provided by chiropractic physicians, and family planning services under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, and Major Medical Prior Authorization, and the Program of All-Inclusive Care for the Elderly, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From General Revenue Fund (0101)	\$174,811,241
From Title XIX - Federal Fund (0163).....	351,806,165
From Pharmacy Reimbursement Allowance Fund (0144)	10,000
From Health Initiatives Fund (0275).....	1,427,081
From Third Party Liability Collections Fund (0120).....	241,046

For a pilot program that focuses on providing clinical and case management support for pregnant women who are opioid addicted or display key risk factors which indicate a likelihood for addiction; the primary objective of such program(s) shall be avoiding births requiring extraordinary care due to Neonatal Abstinence Syndrome; the secondary objective is the treatment of the mother for substance use

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 Matter in bold-face type is proposed language.

From General Revenue Fund (0101) 475,518
 From Title XIX - Federal Fund (0163)..... 923,475

For a supplemental case management fee to support evidence-based, limited duration mental health treatments to children who have experienced severe physical, sexual, or emotional trauma as a result of abuse or neglect, provided that providers of these evidence-based services document appropriate training or certification in these models

From General Revenue Fund (0101) 430,150
 From Title XIX - Federal Fund (0163)..... 819,850

For payment of physician and related services to Certified Community Behavioral Health Organizations

From General Revenue Fund (0101) 24,595,014
 From Title XIX - Federal Fund (0163)..... 66,608,059
 Total..... \$622,147,599

SECTION 11.720. — To the Department of Social Services

For the MO HealthNet Division

For dental services under the MO HealthNet fee-for-service program, including adult dental procedure codes (Tier 1-6), provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815

From General Revenue Fund (0101) \$1,092,243
 From Title XIX - Federal Fund (0163)..... 2,333,282
 From Health Initiatives Fund (0275)..... 71,162
 Total..... \$3,496,687

SECTION 11.725. — To the Department of Social Services

For the MO HealthNet Division

For payments to third-party insurers, employers, or policyholders for health insurance, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101) \$94,926,195
 From Title XIX - Federal Fund (0163)..... 199,361,012
 Total..... \$294,287,207

SECTION 11.730. — To the Department of Social Services

For the MO HealthNet Division

For funding long-term care services

For care in nursing facilities under the MO HealthNet fee-for-service program and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents, provided that not

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more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From General Revenue Fund (0101)	\$163,775,876
From Title XIX - Federal Fund (0163)	445,203,204
From Uncompensated Care Fund (0108)	58,516,478
From Third Party Liability Collections Fund (0120)	6,992,981

For home health for the elderly under the MO HealthNet fee-for-service program, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From General Revenue Fund (0101)	1,248,347
From Title XIX - Federal Fund (0163)	2,733,720
From Health Initiatives Fund (0275)	159,305

For a Family Certified Home Health Aide (FCHHA) Pilot Program for an enrolled Home Health Provider Agency with MO HealthNet for the Home Health Agency to pay to train family members and/or parents as Certified Home Health Aide to provide medically necessary care in their home for up to fifty clients that are eligible for Private Duty Nursing services and currently admitted or receiving outpatient services from a pediatric hospital(s) within: a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, a home rule city with more than sixty-four thousand but fewer than seventy-one thousand inhabitants, a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, a city not within a county, a county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, and a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand

From State Emergency Management Federal Stimulus Fund (2335)	<u>2,901,385</u>
Total	\$681,531,296

SECTION 11.735. — To the Department of Social Services

For the MO HealthNet Division

For Nursing Facility Reimbursement Allowance payments as provided by law

From Nursing Facility Reimbursement Allowance Fund (0196)	\$364,882,362
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SECTION 11.740. — To the Department of Social Services

For the MO HealthNet Division

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

For publicly funded long-term care services and support contracts and funding supplemental payments for care in nursing facilities under the nursing facility upper payment limit

From Title XIX - Federal Fund (0163).....	\$7,182,390
From Long Term Support UPL Fund (0724).....	<u>3,768,378</u>
Total.....	\$10,950,768

SECTION 11.745. — To the Department of Social Services

For the MO HealthNet Division

For all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service program, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided ten percent (10%) flexibility is allowed between Section 11.325 and Section 11.745, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From General Revenue Fund (0101)	\$77,900,385
From Title XIX - Federal Fund (0163).....	210,714,085
From Nursing Facility Reimbursement Allowance Fund (0196).....	1,414,043
From Health Initiatives Fund (0275).....	194,881
From Ambulance Service Reimbursement Allowance Fund (0958).....	25,466,717
From State Emergency Management Federal Stimulus Fund (2335).....	5,000,000

For the adoption of a new CPT code for, and making payment under said code to, emergency service providers who provide on-site treatment to MO HealthNet recipients who would otherwise be transported to an emergency department via ambulance service, but such service is rendered unnecessary by virtue of on-site service and such payment shall be less than would otherwise be provided had the patient been transported to the emergency department, provided that the department shall request any state plan amendment, waiver, or regulation necessary to implement the new code, and further provided that any payments under said state plan amendment, waiver, or regulation shall be budget neutral to overall state and federal spending

From General Revenue Fund (0101)	484,179
From Title XIX - Federal Fund (0163).....	940,296

For non-emergency medical transportation, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765,

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11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From General Revenue Fund (0101)	17,251,515
From Title XIX - Federal Fund (0163)	33,503,161

For the federal share of MO HealthNet reimbursable non-emergency medical transportation for public entities

From Title XIX - Federal Fund (0163)	6,460,100
Total	\$379,329,362

SECTION 11.750. — To the Department of Social Services

For the MO HealthNet Division

For payments to providers of ground emergency medical transportation, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From Ground Emergency Medical Transportation Fund (0422)	\$28,538,088
From Title XIX - Federal Fund (0163)	55,422,158
Total	\$83,960,246

SECTION 11.755. — To the Department of Social Services

For the MO HealthNet Division

For complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient; such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$4,549,745
From Title XIX - Federal Fund (0163)	8,835,796
Total	\$13,385,541

SECTION 11.760. — To the Department of Social Services

For the MO HealthNet Division

For payment to comprehensive prepaid health care plans as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section

208.152 (16), RSMo, provided that the department shall implement programs or measures to achieve cost-savings through emergency room services reform, and further provided that MO HealthNet eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program, and further provided that the Department shall direct its contracted actuary to develop and Aged, Blind, and Disabled rate cell inside the MO HealthNet Managed Care program to reflect the cost of those members choosing to be enrolled in a managed care plan, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From General Revenue Fund (0101)	\$371,072,915
From Title XXI - Children’s Health Insurance Program Federal Fund (0159)	241,011,270
From Title XIX - Federal Fund (0163)	1,147,451,345
From Uncompensated Care Fund (0108)	33,848,436
From Health Initiatives Fund (0275).....	18,590,380
From Federal Reimbursement Allowance Fund (0142).....	142,859,769
From Healthy Families Trust Fund (0625).....	14,735,373
From Life Sciences Research Trust Fund (0763)	26,697,272
From Premium Fund (0885).....	9,259,854
From Ambulance Service Reimbursement Allowance Fund (0958).....	2,204,607

For supplemental Medicare parity payments to primary care physicians relating to maternal-fetal medicine, neonatology, and pediatric cardiology

From General Revenue Fund (0101)	998,587
From Title XIX - Federal Fund (0163).....	1,939,298

For a pilot program to seek a waiver or state plan amendment to provide postpartum care for up to twelve (12) months to women with substance use disorder, provided the cost of the program funded by state match shall not exceed \$750,000, and further provided that this program shall be budget neutral to overall state and federal spending

From General Revenue Fund (0101)	445,162
From Title XIX - Federal Fund (0163)	864,523
From Federal Reimbursement Allowance Fund (0142).....	95,664

For supplemental payments to Tier 1 Safety Net Hospitals, or to any affiliated physician group that provides physicians for any Tier 1 Safety Net Hospital, for physician and other healthcare professional services as approved by the Centers for Medicare and Medicaid Services

From Title XIX - Federal Fund (0163).....	17,757,013
From Department of Social Services Intergovernmental Transfer Fund (0139).....	<u>9,316,558</u>
Total.....	\$2,039,148,026

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Matter in bold-face type is proposed language.

***SECTION 11.765.** — To the Department of Social Services

For the MO HealthNet Division

For hospital care under the MO HealthNet fee-for-service program, graduate medical education, and for a comprehensive chronic care risk management program, provided that the MO HealthNet Division shall track payments to out-of-state hospitals by location, and further provided the department seek a waiver of the institutions for mental disease (IMD) exclusion for inpatient mental health treatment for MO HealthNet participants in psychiatric hospitals pursuant to Section 12003 of the 21st Century Cures Act with the state share through the federal reimbursement allowance, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From General Revenue Fund (0101)	\$46,897,367
From Title XIX - Federal Fund (0163).....	405,019,246
From Federal Reimbursement Allowance Fund (0142).....	132,216,293
From Pharmacy Reimbursement Allowance Fund (0144)	15,709

For Safety Net Payments

From Healthy Families Trust Fund (0625).....	30,365,444
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For the Remote Patient Monitoring program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor; the purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and services and that targeted MO HealthNet beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting

From Title XIX - Federal Fund (0163).....	200,000
From Federal Reimbursement Allowance Fund (0142).....	200,000

For the Rx Reminder program, facilitating medication compliance for chronically ill MO HealthNet participants identified by the division as having high utilization of acute care because of poor management of their condition

From Title XIX - Federal Fund (0163).....	215,000
From Federal Reimbursement Allowance Fund (0142).....	215,000

For distribution to hospitals, located in the state of Missouri, demonstrating losses from the adoption of the new Outpatient Simplified Fee Schedule that begins on or after July 1, 2021. Losses shall be calculated by comparing payments under the new Outpatient Simplified Fee Schedule to payments under the Percentage of Charges methodology by the hospitals seeking relief using July thru September, 2021 utilization annualized. Managed care losses may be included in the loss calculation. The methodology for the calculation shall be approved by the Department. If the Department

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Matter in bold-face type is proposed language.

anticipates appropriated funds will not be sufficient to meet demonstrated losses, the Department may distribute pro rata based on hospitals with the greatest difference between the new Outpatient Simplified Fee Schedule and the Percentage of Charge methodology.

From FMAP Enhancement Fund (0181).....	<u>50,000,000</u>
Total.....	\$665,344,059

*I hereby veto \$50,000,000 FMAP Enhancement Fund for distribution to Missouri hospitals that demonstrate losses due to the change in payment methodology from a percentage of billed charges to an outpatient simplified fee schedule. This funding increase is contrary to the Medicaid reforms included as part of the Fiscal Year 2022 budget.

For distribution to hospitals.

By \$50,000,000 from \$50,000,000 to \$0 from FMAP Enhancement Fund.
From \$665,344,059 to \$615,344,059 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.770. — To the Department of Social Services
For the MO HealthNet Division

For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments

From Title XIX - Federal Fund (0163).....	\$16,113,590
From Department of Social Services Intergovernmental Transfer Fund (0139).....	<u>209,202</u>
Total.....	\$16,322,792

SECTION 11.775. — To the Department of Social Services
For the MO HealthNet Division

For Federally Qualified Health Centers (FQHCs), provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950
For grants to Federally Qualified Health Centers

From General Revenue Fund (0101)	\$257,732
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For a community health worker initiative that focuses on providing casework services to high utilizers of MO HealthNet Services

From General Revenue Fund (0101)	2,500,000
From Title XIX - Federal Fund (0163).....	<u>2,500,000</u>

For women and minority health care outreach programs, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment

From General Revenue Fund (0101)	529,796
From Department of Social Services Federal Fund (0610).....	<u>568,625</u>
Total.....	\$6,356,153

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

SECTION 11.780. — To the Department of Social Services
For the MO HealthNet Division
For payments to technical assistance contractors under
Section 330(l) or 330(m) of the Public Health Services Act to assist
Federally Qualified Health Centers (FQHCs) with outreach and
engagement of Medicaid beneficiaries assigned to FQHCs, for addressing
gaps in preventive services and management of chronic conditions, and for
incentive payments, provided that 100% flexibility is allowed to Section
11.760 for payments to managed care organizations for technical assistance
contractors

From General Revenue Fund (0101)	\$1,918,645
From Title XIX - Federal Fund (0163)	<u>3,726,090</u>
Total	\$5,644,735

SECTION 11.785. — To the Department of Social Services
For the MO HealthNet Division
For health homes, provided that not more than ten percent (10%) flexibility is
allowed between this section and Sections 11.700, 11.715, 11.720, 11.725,
11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815

From General Revenue Fund (0101)	\$4,292,921
From Title XIX - Federal Fund (0163)	20,043,067
From Federal Reimbursement Allowance Fund (0142)	<u>6,027,694</u>
Total	\$30,363,682

SECTION 11.790. — To the Department of Social Services
For the MO HealthNet Division
For payments to hospitals under the Federal Reimbursement Allowance
Program including state costs to pay for an independent audit of
Disproportionate Share Hospital payments as required by the Centers for
Medicare and Medicaid Services, for the expenses of the Poison Control
Center in order to provide services to all hospitals within the state, and for
the Gateway to Better Health 1115 Demonstration
For a continuation of the services provided through Medicaid Emergency
Psychiatric Demonstration as required by Section 208.152(16), RSMo

From Federal Reimbursement Allowance Fund (0142)	\$1,712,194,972
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SECTION 11.795. — To the Department of Social Services
For the MO HealthNet Division
For payments to the Tier 1 Safety Net Hospitals and other public hospitals using
intergovernmental transfers

From Title XIX - Federal Fund (0163)	\$25,176,772
From Department of Social Services Intergovernmental Transfer Fund (0139)	<u>12,964,074</u>
Total	\$38,140,846

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

SECTION 11.800. — To the Department of Social Services

For the MO HealthNet Division

For funding programs to enhance access to care for uninsured children using fee for service, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services, provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than or equal to 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than or equal to 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815

From General Revenue Fund (0101)	\$21,603,057
From Title XXI - Children's Health Insurance Program Federal Fund (0159)	93,906,404
From Federal Reimbursement Allowance Fund (0142).....	<u>7,719,204</u>
Total.....	\$123,228,665

SECTION 11.805. — To the Department of Social Services

For the MO HealthNet Division

For the Show-Me Healthy Babies Program authorized by Section 208.662, RSMo, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$14,347,667
From Title XXI - Children's Health Insurance Program Federal Fund (0159)	<u>45,949,315</u>
Total.....	\$60,296,982

SECTION 11.810. — To the Department of Social Services

For the MO HealthNet Division

For MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service program

From General Revenue Fund (0101)	\$242,525
From Title XIX - Federal Fund (0163).....	<u>41,653,770</u>
Total.....	\$41,896,295

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

SECTION 11.815. — To the Department of Social Services

For the MO HealthNet Division

For medical benefits for blind individuals ineligible for MO HealthNet coverage who receive the Missouri Blind Pension cash grant, provided that individuals under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than or equal to 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than or equal to 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than or equal to 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income equal to or greater than 300 percent of the federal poverty level are ineligible for this program, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)\$21,097,254

SECTION 11.850. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue

Fund for the purpose of providing the state match for Medicaid payments

From Department of Social Services Intergovernmental Transfer Fund (0139)\$137,074,165

SECTION 11.855. — To the Department of Social Services

For the MO HealthNet Division

For payments to the Department of Mental Health for Community Psychiatric Rehabilitation (CPR) services, Comprehensive Substance Abuse Treatment and Rehabilitation (CSTAR) services, Targeted Case Management (TCM) for behavioral health services, and Certified Community Behavioral Health Organizations (CCBHO) for MO HealthNet participants and the uninsured

From Title XIX - Federal Fund (0163)\$500,077,646

From Department of Social Services Intergovernmental Transfer Fund (0139)207,740,879

Total.....\$707,818,525

SECTION 11.860. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Pharmacy

Reimbursement Allowance Fund

From General Revenue Fund (0101)\$38,737,111

SECTION 11.865. — To the Department of Social Services	
Funds are to be transferred out of the State Treasury to the General Revenue Fund	
From Pharmacy Reimbursement Allowance Fund (0144)	\$38,737,111
SECTION 11.870. — To the Department of Social Services	
Funds are to be transferred out of the State Treasury to the Ambulance Service Reimbursement Allowance Fund	
From General Revenue Fund (0101)	\$20,837,332
SECTION 11.875. — To the Department of Social Services	
Funds are to be transferred out of the State Treasury to the General Revenue Fund	
From Ambulance Service Reimbursement Allowance Fund (0958)	\$20,837,332
SECTION 11.880. — To the Department of Social Services	
Funds are to be transferred out of the State Treasury to the Federal Reimbursement Allowance Fund	
From General Revenue Fund (0101)	\$653,701,378
SECTION 11.885. — To the Department of Social Services	
Funds are to be transferred out of the State Treasury to the General Revenue Fund	
From Federal Reimbursement Allowance Fund (0142)	\$653,701,378
SECTION 11.890. — To the Department of Social Services	
Funds are to be transferred out of the State Treasury to the Nursing Facility Reimbursement Allowance Fund	
From General Revenue Fund (0101)	\$210,950,510
SECTION 11.895. — To the Department of Social Services	
Funds are to be transferred out of the State Treasury to the General Revenue Fund	
From Nursing Facility Reimbursement Allowance Fund (0196)	\$210,950,510
SECTION 11.900. — To the Department of Social Services	
Funds are to be transferred out of the State Treasury to the Nursing Facility Quality of Care Fund in accordance with Section 198.418.1, RSMo, to be used by the Department of Health and Senior Services for conducting inspections and surveys and providing training and technical assistance to facilities licensed under the provisions of Chapter 198	
From Nursing Facility Reimbursement Allowance Fund (0196)	\$1,500,000
SECTION 11.950. — To the Department of Social Services	
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund	
From General Revenue Fund (0101)	\$1

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

PART 2**SECTION 11.1000.** — To the Department of Social Services

In reference to Sections 11.315, 11.327, and 11.405 of Part 1 of this act:
No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2021.

SECTION 11.1005. — To the Department of Social Services

In reference to Sections 11.720, 11.755, and 11.785 of Part 1 of this act:
No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2021, except for Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health.

SECTION 11.1010. — To the Department of Social Services

In reference to Sections 11.730 and 11.735 of Part 1 of this act:
No funds shall be expended in furtherance of nursing facility provider rates greater than \$10.18 per bed day above the rate in effect on January 1, 2021. If the effective date of the rate increase is after July 1, 2021, any nursing facility provider rate increase shall be prorated over the remaining portion of the fiscal year, but in no event shall the total amount resulting from all provider rate increases to any provider be greater than the amount that would result from implementing a \$10.18 per bed day increase, on July 1, 2021, over the rate in effect on January 1, 2021, to said provider. The rate increase shall only be effective for fiscal year 2022. No funds shall be expended in furtherance of home health provider rates greater than the rate in effect on January 1, 2021.

SECTION 11.1015. — To the Department of Social Services

In reference to Section 11.745 of Part 1 of this act:
No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2021, except for providers of non-emergency medical transportation for MO HealthNet and Department of Mental Health for whom no funds shall be expended in furtherance of provider rates greater than the lower bound actuarial soundness rate, further excepting providers of hospice care, for whom no funds shall be expended in furtherance of provider rate for routine home care, continuous care, inpatient respite care, and general inpatient care greater than 2.50% above the blended rate in effect on January 1, 2021 and for whom no fund shall be expended in furtherance of rates no greater than 95% of the nursing facility per diem rate for room and board for services provided in a nursing facility, and further excepting providers of air ambulance services for whom no funds shall be expended in furtherance of 60% of the rural medicare rate.

SECTION 11.1020. — To the Department of Social Services

In reference to Section 11.750 of Part 1 of this act:

No funds shall be expended in furtherance of providers of ground emergency medical transportation greater than the lower bound actuarial soundness rate.

SECTION 11.1025. — To the Department of Social Services

In reference to Section 11.760 of Part 1 of this act:

No funds shall be expended in furtherance of managed care contract rates greater than the lower bound actuarial soundness rate.

SECTION 11.1027. — To the Department of Social Services

In reference to Section 11.790 of Part 1 of this act:

No funds shall be expended in furtherance of out-of-state payments greater than the state fiscal year 2021 level.

SECTION 11.1030. — To the Department of Social Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

PART 3**SECTION 11.2000.** — To the Department of Social Services

In reference to Section 11.325 of Part 1 and Part 2 of this act:

Special expenses for clothing allowances shall be paid at least quarterly.

SECTION 11.2005. — To the Department of Social Services

In reference to Section 11.760 of Part 1 and Part 2 of this act:

Contract changes shall be provided in writing, prior to submission to the Centers for Medicare and Medicaid Services, to the House Budget and Senate Appropriation Committee Chairs.

SECTION 11.2010. — To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

The Department shall provide written notification prior to submission to the federal government of state plans and state plan amendments, grant applications, and Medicaid waivers to the House Budget and Senate Appropriation Committee Chairs.

SECTION 11.2015. — To the Department of Social Services

The Department shall direct deposits of moneys from the federal government that accrue to the state from assistance programs created under Title XXI of the Social Security Act into the Title XXI - Children's Health Insurance Program Federal Fund (0159), with the exception of any moneys collected by the state due to a temporary increase in the Federal Medical Assistance Percentage (FMAP).

SECTION 11.2020. — To the Department of Social Services

The Department shall direct deposits of moneys from the federal government that accrue to the state from the Child Care and Development Block Grant into the Child Care and Development Block Grant Federal Fund (0168), with the exception of: a) additional stimulus block grant distributions authorized under the Coronavirus Aid, Relief, and Economic Security Act, the American Rescue Plan Act, and any other additional block grant distributions received before June 30, 2022, under subsequent future federal stimulus acts, and b) any increase due to a temporary increase in the Federal Medical Assistance Percentage (FMAP).

SECTION 11.2025. — To the Department of Social ServicesAppendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
11.140	19	\$100,000	0
11.140	20	\$300,000	0
11.150	33	\$500,000	0
11.150	41	\$100,000	0
11.150	49	\$100,000	0
11.155	56	\$200,000	0
11.155	60	\$300,000	0
11.185	11	\$50,000	0
11.245	7	\$56,142,875	0
11.405	8	\$660,562	0
11.405	14	\$514,528	0
11.730	13	\$30,000,000	0
11.730	14	\$58,261,253	0
11.765	53	\$50,000,000	0
11.775	10	\$1,000,000	0
11.775	11	\$1,000,000	0

Bill Totals

General Revenue Fund.....	\$1,830,039,266
Federal Funds.....	5,686,755,352
Other Funds.....	3,139,410,772
Total.....	\$10,656,205,390

Approved June 30, 2021

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

CCS SCS HCS HB 12

Appropriates money for expenses, grants, refunds, and distributions of statewide elected officials, the Judiciary, Office of the State Public Defender, and General Assembly

AN ACT to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2021 and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021 and ending June 30, 2022 as follows:

PART 1

SECTION 12.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarifications of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act contains an appendix of appropriations consisting of one-time new decision items for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The amount(s) in the appendix will not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2022. The amount(s) in the appendix may, however, be requested in any future fiscal period as a new decision item.

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

SECTION 12.005.— To the Governor

Personal Service and/or Expense and Equipment	\$2,700,652
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>1,673</u>
From General Revenue Fund (0101)	2,702,325

Personal Service and/or Expense and Equipment

From DOLIR Administrative Fund (0122)	53,952
From Department of Mental Health Federal Fund (0148)	3,611
From Division of Tourism Supplemental Revenue Fund (0274)	25,696
From Gaming Commission Fund (0286)	6,919
From DNR Cost Allocation Fund (0500)	43,109
From State Facility Maintenance and Operation Fund (0501)	19,024
From DCI Administrative Fund (0503)	14,654
From Department of Economic Development Administrative Fund (0547)	31,837
From Division of Finance Fund (0550)	6,994
From Insurance Dedicated Fund (0566)	11,804
From Professional Registration Fees Fund (0689)	40,552
From Agriculture Protection Fund (0970)	37,369

Personal Service and/or Expense and Equipment for the Mansion

From General Revenue Fund (0101)	<u>301,097</u>
Total (Not to exceed 36.50 F.T.E.)	\$3,298,943

SECTION 12.010.— To the Governor

For expenses incident to emergency duties performed by the National Guard
when ordered out by the Governor

From General Revenue Fund (0101)	\$4,000,001
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SECTION 12.015.— To the Governor

For conducting special audits

From General Revenue Fund (0101)	\$30,000
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SECTION 12.025.— To the Lieutenant Governor

Personal Service and/or Expense and Equipment	\$785,595
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>1,081</u>
From General Revenue Fund (0101)	786,676

Personal Service and/or Expense and Equipment

From Missouri Arts Council Trust Fund (0262)	41,233
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For a library and museum, located in a home rule city with more than one
hundred sixteen thousand but fewer than one hundred fifty-five thousand
inhabitants, which promotes awareness and presidents from Missouri

From General Revenue Fund (0101)	<u>1,000,000</u>
Total (Not to exceed 8.00 F.T.E.)	\$1,827,909

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

SECTION 12.030. — To the Lieutenant Governor

For the Missouri State Council on the Arts, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment

Expense and Equipment	
From Department of Economic Development- Missouri Council on the Arts	
Federal Fund (0138)	\$1,205,317
Personal Service.....	966,590
Expense and Equipment.....	<u>4,162,014</u>
From Missouri Arts Council Trust Fund (0262).....	5,128,604
Expense and Equipment	
From Lieutenant Governor Federal Stimulus - 2021 Fund (2446)	900,000
For grants to public television and radio stations as provided in Section 143.183, RSMo	
From Missouri Public Broadcasting Corporation Special Fund (0887).....	1,010,000
For the Missouri Humanities Council	
Expense and Equipment	
From the Missouri Humanities Council Trust Fund (0177)	1,260,000
For a museum that commemorates the contributions of African-Americans to the sport of baseball, provided that \$100,000 fund the Historical Education Center	
Expense and Equipment	
From the Missouri Humanities Council Trust Fund (0177)	500,000
For an Urban Academy, located within a home rule city with more than 400,000 inhabitants and located in more than one county, which provides athletic programming targeting underserved youth	
From Missouri Humanities Council Trust Fund (0177).....	200,000
For programming and education about historical key locations that connects the past with the future while maintaining a depository for all pertinent records at a museum located in any city of the fourth classification with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants and located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants	
From Missouri Humanities Council Trust Fund (0177).....	<u>50,000</u>
Total (Not to exceed 15.00 F.T.E.)	\$10,253,921

SECTION 12.035. — To the Lieutenant Governor

Funds are to be transferred out of the State Treasury to the Missouri Arts Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo

From General Revenue Fund (0101)	\$4,847,867
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.040. — To the Lieutenant Governor

Funds are to be transferred out of the State Treasury to the Missouri Humanities Council Trust Fund as authorized by Sections 143.183 and 186.065, RSMo

From General Revenue Fund (0101) \$1,650,000

SECTION 12.045. — To the Lieutenant Governor

Funds are to be transferred out of the State Treasury to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo

From General Revenue Fund (0101) \$800,000

SECTION 12.055. — To the Secretary of State

Personal Service and/or Expense and Equipment \$9,681,530
Annual salary adjustment in accordance with Section 105.005, RSMo..... 1,347

From General Revenue Fund (0101) 9,682,877

Personal Service and/or Expense and Equipment

From Election Administration Improvements Fund (0157) 294,316

From Secretary of State - Federal Fund (0195)..... 421,827

From Secretary of State's Technology Trust Fund Account (0266)..... 3,558,177

From Local Records Preservation Fund (0577)..... 1,409,959

From Investor Education and Protection Fund (0829) 1,251,515

From Wolfner Library Trust Fund (0928)..... 30,000

Total (Not to exceed 267.30 F.T.E.) \$16,648,671

SECTION 12.060. — To the Secretary of State

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

From Secretary of State - Federal Fund (0166)..... \$200,000

SECTION 12.065. — To the Secretary of State

For refunds of securities, corporations, uniform commercial code, and miscellaneous collections of the Secretary of State's Office

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

From Secretary of State's Technology Trust Fund Account (0266)..... 10,000

Total..... \$60,000

SECTION 12.070. — To the Secretary of State

For reimbursement to victims of securities fraud and other violations pursuant to Section 409.6-603, RSMo

From Investor Restitution Fund (0741) \$2,000,000

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

SECTION 12.075. — To the Secretary of State For implementation of the Missouri Family Trust Company Act From Family Trust Company Fund (0810).....	\$20,000
SECTION 12.080. — To the Secretary of State For expenses of initiative referendum and constitutional amendments From General Revenue Fund (0101)	\$1
SECTION 12.085. — To the Secretary of State For election costs associated with absentee ballots From General Revenue Fund (0101)	\$70,000
SECTION 12.090. — To the Secretary of State For election reform grants, transactions costs, election administration improvements within Missouri, support of Help America Vote Act activities, and the state's share of election costs as required by Chapter 115, RSMo From Election Administration Improvements Fund (0157)	\$22,350,495
SECTION 12.095. — To the Secretary of State Funds are to be transferred out of the State Treasury to the Election Administration Improvements Fund From General Revenue Fund (0101)	\$4,284,000
SECTION 12.100. — To the Secretary of State For historical repository grants From Secretary of State Records - Federal Fund (0150).....	\$50,000
SECTION 12.105. — To the Secretary of State For local records preservation grants From Local Records Preservation Fund (0577)	\$400,000
SECTION 12.110. — To the Secretary of State For preserving legal, historical, and genealogical materials and making them available to the public From State Document Preservation Fund (0836)	\$25,000
SECTION 12.115. — To the Secretary of State For aid to public libraries From General Revenue Fund (0101)	\$3,504,001
SECTION 12.120. — To the Secretary of State For the Remote Electronic Access for Libraries Program From General Revenue Fund (0101)	\$3,109,250
SECTION 12.125. — To the Secretary of State For all allotments, grants, and contributions from the federal government or from any sources that may be deposited in the State Treasury for the use of the Missouri State Library	

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

From Secretary of State - Federal Fund (0195).....	\$4,125,000
From Secretary of State Federal Stimulus - 2021 Fund (2448).....	<u>3,340,336</u>
Total.....	\$7,465,336

***SECTION 12.130.** — To the Secretary of State

For library networking grants and other grants and donations

From Library Networking Fund (0822).....	\$3,740,000
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*I hereby veto \$2,630,000 Library Networking Fund for library networking grants. This item was not part of my budget recommendations. The appropriation is being reduced to maintain the funding at its current level, which is more consistent with the levels of funding that other cultural partners receive from nonresident professional athlete and entertainer income tax revenues.

For library networking grants and other grants and donations.

By \$2,630,000 from \$3,740,000 to \$1,110,000 from Library Networking Fund.

From \$3,740,000 to \$1,110,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 12.135.** — To the Secretary of State

Funds are to be transferred out of the State Treasury to the Library
Networking Fund

From General Revenue Fund (0101).....	\$3,640,000
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*I hereby veto \$2,840,000 general revenue for transfer to the Library Networking Fund. This item was not part of my budget recommendations. The appropriation is being reduced to maintain the funding at its current level, which is more consistent with the levels of funding that other cultural partners receive from nonresident professional athlete and entertainer income tax revenues.

Funds are to be transferred out of the State Treasury to the Library Networking Fund.

By \$2,840,000 from \$3,640,000 to \$800,000 from General Revenue Fund.

From \$3,640,000 to \$800,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.140. — To the Secretary of State

For the publication of the Official Manual of Missouri by the University of
Missouri Press, provided that all copies are sold at cost and proceeds are
deposited into the Blue Book Printing Fund

From Blue Book Printing Fund (0471).....	\$50,000
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SECTION 12.165. — To the State Auditor

Personal Service and/or Expense and Equipment.....	\$6,801,759
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>1,347</u>
From General Revenue Fund (0101).....	6,803,106

Personal Service and/or Expense and Equipment	
From State Auditor - Federal Fund (0115)	935,588

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

From Conservation Commission Fund (0609)	50,222
From Parks Sales Tax Fund (0613).....	23,780
From Soil and Water Sales Tax Fund (0614).....	22,951
From Petition Audit Revolving Trust Fund (0648)	<u>909,263</u>
Total (Not to exceed 167.77 F.T.E.)	\$8,744,910

SECTION 12.185. — To the State Treasurer

Personal Service and/or Expense and Equipment	\$2,794,091
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>1,347</u>
From State Treasurer's General Operations Fund (0164).....	2,795,438

Personal Service and/or Expense and Equipment	
From Central Check Mailing Service Revolving Fund (0515).....	113,245
For Unclaimed Property Division administrative costs including personal service and expense and equipment for auctions, advertising, and promotions	
From Abandoned Fund Account (0863)	2,248,383

For preparation and dissemination of information or publications, or for refunding overpayments	
From Treasurer's Information Fund (0255).....	<u>8,000</u>
Total (Not to exceed 50.40 F.T.E.)	\$5,165,066

SECTION 12.190. — To the State Treasurer

For issuing duplicate checks or drafts and outlawed checks as provided by law	
From General Revenue Fund (0101)	\$4,000,000

SECTION 12.195. — To the State Treasurer

For payment of claims for abandoned property transferred by holders to the state	
From Abandoned Fund Account (0863)	\$49,000,000

SECTION 12.200. — To the State Treasurer

For transfer of such sums as may be necessary to make payment of claims from the Abandoned Fund Account pursuant to Chapter 447, RSMo	
From General Revenue Fund (0101)	\$8,500,000

SECTION 12.205. — To the State Treasurer

Funds are to be transferred out of the State Treasury to the General Revenue Fund	
From Abandoned Fund Account (0863)	\$59,000,000

SECTION 12.210. — To the State Treasurer

For refunds of excess interest from the Linked Deposit Program	
From General Revenue Fund (0101)	\$2,500

SECTION 12.215. — To the State Treasurer

Funds are to be transferred out of the State Treasury to the General Revenue Fund	
From Debt Offset Escrow Fund (0753).....	\$100,000

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

SECTION 12.220.— To the State Treasurer

Funds are to be transferred out of the State Treasury to the General Revenue Fund

From Other Funds (Various)\$3,000,000

SECTION 12.225.— To the State Treasurer

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

From Abandoned Fund Account (0863)\$3,000,000

***SECTION 12.245.**— To the Attorney General

Personal Service and/or Expense and Equipment\$14,653,350

Annual salary adjustment in accordance with Section 105.005, RSMo..... 1,456

From General Revenue Fund (0101) 14,654,806

Personal Service and/or Expense and Equipment

From Attorney General - Federal Fund (0136)2,786,230

From Gaming Commission Fund (0286) 152,060

From Historic Preservation Revolving Fund (0430) 1,700

From Natural Resources Protection Fund-Water Pollution Permit Fee

Subaccount (0568)..... 183,400

From Solid Waste Management Fund (0570)..... 27,121

From Petroleum Storage Tank Insurance Fund (0585) 29,193

From Motor Vehicle Commission Fund (0588) 53,902

From Health Spa Regulatory Fund (0589) 5,000

From Natural Resources Protection Fund-Air Pollution Permit Fee

Subaccount (0594)..... 28,890

From Attorney General's Court Costs Fund (0603)..... 187,000

From Parks Sales Tax Fund (0613)..... 32,163

From Soil and Water Sales Tax Fund (0614)..... 1,700

From Merchandising Practices Revolving Fund (0631)3,892,356

From Workers' Compensation Fund (0652)..... 499,968

From Workers' Compensation - Second Injury Fund (0653).....3,271,237

From Lottery Enterprise Fund (0657)..... 61,292

From Groundwater Protection Fund (0660)..... 1,700

From Antitrust Revolving Fund (0666)..... 667,530

From Hazardous Waste Fund (0676)..... 159,150

From Safe Drinking Water Fund (0679) 35,568

From Inmate Incarceration Reimbursement Act Revolving Fund (0828)..... 149,943

From Mined Land Reclamation Fund (0906) 18,597

Total (Not to exceed 380.05 F.T.E.)\$26,900,506

*I hereby veto \$505,000 general revenue for additional attorneys. This item was not part of my budget recommendations and current core funding is sufficient to meet these needs.

Personal Service and/or Expense and Equipment by \$505,000 from \$14,653,350 to \$14,148,350 from General Revenue Fund.
From \$26,900,506 to \$26,395,506 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.250. — To the Attorney General

For law enforcement, domestic violence, victims' services, sexual assault evidence collection, testing, and tracking in collaboration with the Departments of Public Safety and Social Services through a Memorandum of Understanding (MOU), provided that ten percent (10%) flexibility is allowed from this section to Section 12.245 if the Attorney General receives such grant

From General Revenue Fund (0101)	\$2,620,272
From Attorney General - Federal Fund (0136)	<u>3,101,760</u>
Total (Not to exceed 8.00 F.T.E.)	\$5,722,032

SECTION 12.255. — To the Attorney General

For a Safer Streets initiative

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) (Not to exceed 10.00 F.T.E.)	\$903,486
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SECTION 12.260. — To the Attorney General

For a Medicaid fraud unit

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101)	\$743,851
From Attorney General - Federal Fund (0136)	2,139,752
From MO HealthNet Fraud Prosecution Revolving Fund (0252)	<u>281,140</u>
Total (Not to exceed 29.00 F.T.E.)	\$3,164,743

***SECTION 12.265.** — To the Attorney General

For the Missouri Office of Prosecution Services

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101)	\$192,492
From Missouri Office of Prosecution Services - Federal Fund (0107)	1,146,205
From Missouri Office of Prosecution Services Fund (0680)	2,057,128
From Missouri Office of Prosecution Services Revolving Fund (0844)	154,637

For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo

From General Revenue Fund (0101)	143,550
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For a program that focuses on crimes against children, located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants

From General Revenue Fund (0101)	<u>300,000</u>
Total (Not to exceed 10.00 F.T.E.)	\$3,994,012

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

*I hereby veto \$300,000 general revenue for a Lincoln County program that focuses on crimes against children. This item was not part of my budget recommendations. Additionally, it is an earmark for the benefit of a single county.

For a program that focuses on crimes against children, located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants.

By \$300,000 from \$300,000 to \$0 from General Revenue Fund.

From \$3,994,012 to \$3,694,012 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.270. — To the Attorney General

For the fulfillment or failure of conditions, or other such developments, necessary to determine the appropriate disposition of such funds, to those individuals, entities, or accounts within the State Treasury, certified by the Attorney General as being entitled to receive them

Expense & Equipment
From Attorney General Trust Fund (0794) \$4,000,000

SECTION 12.275. — To the Attorney General

Funds are to be transferred out of the State Treasury to the Attorney General's Court Costs Fund

From General Revenue Fund (0101) \$124,200

SECTION 12.280. — To the Attorney General

Funds are to be transferred out of the State Treasury to the Antitrust Revolving Fund

From General Revenue Fund (0101) \$51,750

SECTION 12.300. — To the Supreme Court

For funding Judicial Proceedings and Review, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service..... \$3,274,471
Expense and Equipment..... 1,082,312
From General Revenue Fund (0101) 4,356,783

Personal Service
From Judiciary - Federal Fund (0137) 539,645

Expense and Equipment
From Supreme Court Publications Revolving Fund (0525) 150,676
Total (Not to exceed 76.00 F.T.E.) \$5,047,104

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

SECTION 12.305. — To the Supreme Court

For the salaries of Supreme Court Judges and Chief Justice

Personal Service

From General Revenue Fund (0101) (Not to exceed 7.00 F.T.E.)\$1,224,131

SECTION 12.310. — To the Supreme Court

For funding the State Courts Administrator and implementing and supporting an integrated case management system, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service.....\$8,014,714

Expense and Equipment..... 6,529,934

From General Revenue Fund (0101) 14,544,648

Expense and Equipment

From State Court Administration Revolving Fund (0831) 60,000

Expense and Equipment

From Crime Victims' Compensation Fund (0681) 887,200

Total (Not to exceed 150.00 F.T.E.)\$15,491,848

SECTION 12.315. — To the Supreme Court

For funding court improvement projects and receiving grants and contributions of funds from the federal government or from any other source which may be deposited into the State Treasury for use of the Supreme Court and other state courts, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service.....\$2,519,613

Expense and Equipment..... 5,613,135

From Judiciary - Federal Fund (0137)8,132,748

Personal Service..... 97,517

Expense and Equipment..... 4,866

Program Specific Distribution 5,000,000

From Basic Civil Legal Services Fund (0757)..... 5,102,383

Total (Not to exceed 48.25 F.T.E.)\$13,235,131

SECTION 12.320. — To the Supreme Court

For funding the development and implementation of a program of statewide court automation, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.305, 12.325, 12.335, 12.340, 12.350 and 12.375

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

Expense and Equipment From General Revenue Fund (0101)	\$2,000,000
Personal Service.....	1,723,890
Expense and Equipment.....	<u>3,613,075</u>
From Statewide Court Automation Fund (0270).....	<u>5,336,965</u>
Total (Not to exceed 34.00 F.T.E.)	\$7,336,965

SECTION 12.325. — To the Supreme Court

Funds are to be transferred out of the State Treasury to the Judiciary
Education and Training Fund

From General Revenue Fund (0101)	\$1,918,663
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SECTION 12.330. — To the Supreme Court

For Judicial Education and Training, provided that twenty-five percent (25%)
flexibility is allowed between personal service and expense and equipment,
and further provided that twenty-five percent (25%) flexibility is allowed
between Sections 12.300 through 12.380, excluding Sections 12.325 and
12.375

Personal Service.....	\$618,013
Expense and Equipment.....	<u>862,364</u>
From Judiciary Education and Training Fund (0847)	1,480,377

Expense and Equipment

From Judiciary - Federal Fund (0137).....	<u>228,252</u>
Total (Not to exceed 11.00 F.T.E.)	\$1,708,629

SECTION 12.335. — To the Supreme Court

For funding the three (3) Courts of Appeals, provided that twenty-five percent
(25%) flexibility is allowed between personal service and expense and
equipment, and further provided that twenty-five percent (25%) flexibility is
allowed between Sections 12.300 through 12.380, excluding Sections
12.325 and 12.375

Personal Service.....	\$6,323,080
Expense and Equipment.....	<u>1,242,049</u>
From General Revenue Fund (0101) (Not to exceed 127.35 F.T.E.)	\$7,565,129

SECTION 12.340. — To the Supreme Court

For the salaries of Appeals Court Judges

 Personal Service

From General Revenue Fund (0101) (Not to exceed 32.00 F.T.E.)	\$5,083,142
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SECTION 12.345. — To the Supreme Court

For funding the Circuit Courts, provided that twenty-five percent (25%)
flexibility is allowed between personal service and expense and equipment,
and further provided that twenty-five percent (25%) flexibility is allowed
between Sections 12.300 through 12.380, excluding Sections 12.325 and
12.375

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

Personal Service.....	\$92,145,875
Annual salary adjustment in accordance with Section 476.405, RSMo.....	289,439
Expense and Equipment.....	<u>4,639,087</u>
From General Revenue Fund (0101)	97,074,401
Personal Service.....	4,035,686
Expense and Equipment.....	<u>1,831,107</u>
From Judiciary - Federal Fund (0137)	5,866,793
Personal Service.....	283,557
Expense and Equipment.....	<u>128,039</u>
From Third Party Liability Collections Fund (0120).....	411,596
Expense and Equipment	
From State Court Administration Revolving Fund (0831)	170,000
For the payment to counties for salaries of juvenile court personnel as provided by the formula in Sections 211.393 and 211.394, RSMo	
From General Revenue Fund (0101)	15,267,376
From Juvenile Justice Preservation Fund (0739).....	2,500,000
For making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3), RSMo, provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.305, 12.325, 12.335, 12.340, 12.350 and 12.375	
From Circuit Courts Escrow Fund (0718).....	<u>4,079,958</u>
Total (Not to exceed 2,596.70 F.T.E.)	\$125,370,124
SECTION 12.350. — To the Supreme Court	
For the salaries of the Circuit Court Judges, Associate Circuit Court Judges, Senior Judges, Probate Commissioners, Deputy Probate Commissioners, Treatment Court Commissioners, and Family Court Commissioners	
Personal Service	
From General Revenue Fund (0101) (Not to exceed 390.00 F.T.E.)	\$54,987,669
SECTION 12.355. — To the Supreme Court	
For funding the court-appointed special advocacy program statewide office, provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375	
From General Revenue Fund (0101)	\$500,000
For funding court-appointed special advocacy programs as provided in Section 476.777, RSMo	
From Missouri CASA Fund (0590)	<u>100,000</u>
Total.....	\$600,000

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

SECTION 12.360. — To the Supreme Court

For funding costs associated with creating the handbook and other programs as provided in Section 452.554, RSMo, provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.305, 12.325, 12.335, 12.340, 12.350 and 12.375

From Domestic Relations Resolution Fund (0852)..... \$300,000

***SECTION 12.365.** — To the Commission on Retirement, Removal, and Discipline of Judges

For funding the expenses of the Commission, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service..... \$267,924
Expense and Equipment..... 43,137

From General Revenue Fund (0101) (Not to exceed 2.75 F.T.E.) \$311,061

*I hereby veto \$50,000 general revenue for additional staff salaries and staff salary adjustments for the Commission on Retirement, Removal, and Discipline of Judges. In order to ensure equity across departments and divisions, specialized pay plans should be part of a comprehensive pay evaluation.

Personal Service by \$50,000 from \$267,924 to \$217,924 from General Revenue Fund.
From \$311,061 to \$261,061 in total from General Revenue Fund.
From \$311,061 to \$261,061 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.370. — To the Supreme Court

For funding the expenses of the members of the Appellate Judicial Commission and the several circuit judicial commissions in circuits having the non-partisan court plan, and for services rendered by clerks of the Supreme Court, courts of appeals, and clerks in circuits having the non-partisan court plan for giving notice of and conducting elections as ordered by the Supreme Court, provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

From General Revenue Fund (0101) \$7,741

SECTION 12.375. — To the Supreme Court

Funds are to be transferred out of the State Treasury to the Treatment Court Resources Fund

From General Revenue Fund (0101) \$11,990,937

SECTION 12.380. — To the Supreme Court

For funding treatment courts

Personal Service..... \$322,771
Expense and Equipment..... 10,579,064

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

For funding treatment programs focused on medication assisted treatment for Missourians with substance use disorder related to alcohol and opioid addiction. The Treatment Courts Coordinating Commission shall enter into agreements with drug courts, DWI courts, veteran's courts, and other treatment courts of this state in order to fund medication assisted treatment programs. The Treatment Courts Coordinating Commission shall submit an annual report to both the Chairperson of the House Budget Committee and the Chairperson of the Senate Appropriations Committee that includes information concerning the contracts entered into and the impact of the medication assisted treatment programs on rate of recidivism

Expense and Equipment..... 1,000,000
From Treatment Court Resources Fund (0733) (Not to exceed 6.00 F.T.E.)\$11,901,835

SECTION 12.400. — To the Office of the State Public Defender

For funding the State Public Defender System

Personal Service and/or Expense and Equipment\$48,708,135

For payment of expenses as provided by Chapter 600, RSMo, associated with the defense of violent crimes and/or the contracting of criminal representation with entities outside of the Missouri Public Defender System

..... 4,721,071

From General Revenue Fund (0101)53,429,206

For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo

Personal Service..... 142,353

Expense and Equipment..... 2,606,256

From Legal Defense and Defender Fund (0670)2,748,609

For refunds set-off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)..... 1,700,000

For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender

From Office of State Public Defender - Federal Fund (0112) 625,000

Total (Not to exceed 672.13 F.T.E.)\$58,502,815

***SECTION 12.500.** — To the Senate

Salaries of Members \$1,226,610

Annual salary adjustment in accordance with Section 105.005, RSMo..... 15,266

Mileage of Members 105,807

Members' Per Diem..... 306,100

Senate Contingent Expenses 11,513,675

Joint Contingent Expenses 225,000

From General Revenue Fund (0101) 13,392,458

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

Senate Contingent Expenses	
From Senate Revolving Fund (0535).....	40,000
Total (Not to exceed 223.54 F.T.E.)	\$13,432,458

*I hereby veto \$151,250 general revenue and two security staff for the Senate. This item was not part of my budget recommendations and unnecessarily duplicates services already provided by the Capitol Police.

Senate Contingent Expenses by \$151,250 from \$11,513,675 to \$11,362,425 from General Revenue Fund.

From \$13,392,458 to \$13,241,208 in total from General Revenue Fund.

From \$13,432,458 to \$13,281,208 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 12.505.** — To the House of Representatives

Salaries of Members	\$5,861,145
Annual salary adjustment in accordance with Section 105.005, RSMo.....	73,187
Mileage of Members	510,047
Members' Per Diem	1,500,000
Representatives' Expense Vouchers	1,401,515
House Contingent Expenses	14,037,089
From General Revenue Fund (0101)	23,382,983

House Contingent Expenses	
From House of Representatives Revolving Fund (0520).....	45,000

For redistricting requirements	
From General Revenue Fund (0101)	81,641
Total (Not to exceed 438.38 F.T.E.)	\$23,509,624

*I hereby veto \$151,250 general revenue and two security staff for the House of Representatives. This item was not part of my budget recommendations and unnecessarily duplicates services already provided by the Capitol Police.

House Contingent Expenses by \$151,250 from \$14,037,089 to \$13,885,839 from General Revenue Fund.

From \$23,382,983 to \$23,231,733 in total from General Revenue Fund.

From \$23,509,624 to \$23,358,374 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.510. — To the House of Representatives

For payment of organizational dues	
From General Revenue Fund (0101)	\$302,631

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

SECTION 12.515. — To the Committee on Legislative Research
 For payment of expenses of members, salaries and expenses of employees, and other necessary operating expenses, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

For the Legislative Research Administration	\$499,666
For the Oversight Division	<u>1,299,704</u>
From General Revenue Fund (0101)	1,799,370

For an audit and/or program evaluation of the Regional Convention and Sports Complex authority

From General Revenue Fund (0101)	<u>100,000</u>
Total (Not to exceed 26.00 F.T.E.)	\$1,899,370

SECTION 12.520. — To the Committee on Legislative Research
 For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Supplement to the Revised Statutes of the State of Missouri

From Statutory Revision Fund (0546) (Not to exceed 1.25 F.T.E.)	\$290,989
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SECTION 12.525. — To the Joint Committees of the General Assembly

For the Joint Committee on Administrative Rules.....	\$146,034
For the Joint Committee on Public Employee Retirement.....	178,013
For the Joint Committee on Education	<u>79,610</u>
From General Revenue Fund (0101) (Not to exceed 6.00 F.T.E.)	\$403,657

PART 2

SECTION 12.600. — To the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Office of Prosecution Services, Supreme Court, Commission on Retirement, Removal, and Discipline of Judges, Office of the State Public Defender, Senate, House of Representatives, Committee on Legislative Research, and Joint Committees of the General Assembly

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

PART 3

SECTION 12.700. — To the Lieutenant Governor, Attorney General, Missouri Office of Prosecution Services, Office of the State Public Defender, Senate, and House of Representatives

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

Appendix of One-time Appropriations

Section	Line	Amount	F.T.E. Amount
12.025	12	\$1,000,000	0
12.030	9	\$300,000	0
12.030	12	\$900,000	0
12.030	23	\$250,000	0
12.030	36	\$50,000	0
12.040	5	\$300,000	0
12.250	8	\$2,620,272	0
12.250	10	\$0	3.00
12.265	14	\$300,000	0
12.400	3	\$162,855	0
12.500	7	\$25,000	0
12.505	8	\$25,000	0

Elected Officials Totals

General Revenue Fund.....	\$79,445,608
Federal Funds.....	43,000,437
Other Funds.....	<u>79,344,016</u>
Total.....	\$201,790,061

Judiciary Totals

General Revenue Fund.....	\$216,831,681
Federal Funds.....	14,767,438
Other Funds.....	<u>15,024,320</u>
Total.....	\$246,623,439

Public Defender Totals

General Revenue Fund.....	\$53,429,206
Federal Funds.....	625,000
Other Funds.....	<u>2,748,609</u>
Total.....	\$56,802,815

General Assembly Totals

General Revenue Fund.....	\$39,462,740
Other Funds.....	<u>375,989</u>
Total.....	\$39,838,729

Approved June 30, 2021

SCS HCS HB 13

Appropriates money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government

AN ACT to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2021, and ending June 30, 2022 as follows:

SECTION 13.005. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the payment of real property leases, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, further provided that twenty five percent (25%) flexibility is allowed from Section 13.005 to Section 13.010, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) between federal funds within this section, and further provided that three percent (3%) flexibility is allowed from this section to Section 13.025

For the Department of Elementary and Secondary Education

Expense and Equipment

From General Revenue Fund (0101)	\$459,531
From Vocational Rehabilitation Fund (0104)	1,787,656
From DESE - Federal Fund (0105).....	1,974
From Assistive Technology Federal Fund (0188)	38,634
From Deaf Relay Service and Equipment Distribution Program Fund (0559)	27,042
From Assistive Technology Loan Revolving Fund (0889)	11,589

For the Department of Higher Education and Workforce Development

Expense and Equipment

From Job Development and Training Fund (0155)	1,301,914
From Special Employment Security Fund (0949)	198,058

For the Department of Revenue

Expense and Equipment

From General Revenue Fund (0101)	457,140
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

For the Department of Revenue	
For the State Lottery Commission	
Expense and Equipment	
From Lottery Enterprise Fund (0657).....	432,511
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund (0101).....	529,355
From State Facility Maintenance and Operation Fund (0501).....	326,494
From OA Revolving Administrative Trust Fund (0505).....	129,398
For the Ethics Commission	
Expense and Equipment	
From General Revenue Fund (0101).....	110,761
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund (0101).....	243,350
From Department of Agriculture Federal Fund (0133).....	4,648
From Grain Inspection Fee Fund (0647).....	67,647
From Petroleum Inspection Fund (0662).....	7,737
From Agriculture Protection Fund (0970).....	1,062
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund (0101).....	432,282
From DNR - Federal Fund (0140).....	337,545
From Missouri Air Emission Reduction Fund (0267).....	21,850
From State Park Earnings Fund (0415).....	81,011
From Historic Preservation Revolving Fund (0430).....	26,543
From DNR Cost Allocation Fund (0500).....	86,119
From Natural Resources Protection Fund (0555).....	8,481
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568).....	95,357
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	27,995
From Solid Waste Management Fund (0570).....	141,273
From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584).....	15,729
From Petroleum Storage Tank Insurance Fund (0585).....	33,910
From Underground Storage Tank Regulation Program Fund (0586).....	10,160
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594).....	273,427
From Parks Sales Tax Fund (0613).....	124,268
From Hazardous Waste Fund (0676).....	135,608
From Safe Drinking Water Fund (0679).....	102,741

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

For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund (0101)	56
From Division of Tourism Supplemental Revenue Fund (0274)	4,795
For the Department of Commerce and Insurance	
Expense and Equipment	
From General Revenue Fund (0101)	71,824
From Division of Finance Fund (0550)	58,214
From Insurance Examiners Fund (0552)	6,249
From Insurance Dedicated Fund (0566)	8,684
From Manufactured Housing Fund (0582)	21,274
From Public Service Commission Fund (0607)	860,516
From Professional Registration Fees Fund (0689)	7,424
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund (0101)	6,096
From DOLIR - Commission on Human Rights - Federal Fund (0117)	10,702
From DOLIR Administrative Fund (0122)	2,284
From Unemployment Compensation Administration Fund (0948)	75,151
From Workers' Compensation Fund (0652)	376,603
For the Department of Public Safety	
Expense and Equipment	
From General Revenue (0101)	90,005
From State Emergency Management - Federal Fund (0145)	7,724
From State Emergency Management Federal Stimulus Fund (2335)	90,000
From Veterans' Commission Capital Improvement Trust Fund (0304)	270,803
From Division of Alcohol and Tobacco Control Fund (0544)	109,251
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund (0101)	187,936
From Department of Public Safety - Federal Fund (0152)	8,247
From State Highways and Transportation Department Fund (0644)	1,212,388
For the Department of Public Safety	
For the Adjutant General	
Expense and Equipment	
From General Revenue Fund (0101)	28,848
From Adjutant General - Federal Fund (0190)	1,641,610
From Federal Drug Seizure - Federal Fund (0194)	26,445
For the Department of Public Safety	
For the Missouri Gaming Commission	

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Expense and Equipment	
From Gaming Commission Fund (0286)	421,473
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101)	6,334,654
From Working Capital Revolving Fund (0510).....	254,328
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	1,858,702
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	2,052,422
From Department of Health and Senior Services - Federal Fund (0143)	1,909,122
From State Emergency Management Federal Stimulus Fund (2335)	360,000
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	9,821,273
From DSS Federal and Other Sources Fund (0610).....	5,495,138
For the General Assembly	
Expense and Equipment	
From General Revenue Fund (0101)	7,675
For the Lieutenant Governor	
Expense and Equipment	
From General Revenue Fund (0101)	46,863
From Missouri Arts Council Trust Fund (0262).....	59,044
For the Attorney General	
Expense and Equipment	
From General Revenue Fund (0101)	448,182
From Attorney General - Federal Fund (0136)	132,290
From Merchandising Practices Revolving Fund (0631)	111,824
From Workers' Compensation Fund (0652)	84,689
From Workers' Compensation - Second Injury Fund (0653)	84,689
From Hazardous Waste Fund (0676).....	7,443
From Missouri Office of Prosecution Services Fund (0680)	34,708
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund (0101)	607,622
From Local Records Preservation Fund (0577).....	2,103

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For the State Auditor	
Expense and Equipment	
From General Revenue Fund (0101)	12,283
 For the Judiciary	
Expense and Equipment	
From General Revenue Fund (0101)	2,522,891
From Judiciary - Federal Fund (0137)	21,221
From Judiciary Education and Training Fund (0847)	134,463
Total.....	\$46,099,031

SECTION 13.010. — To the Office of Administration

For the Division of Facilities Management, Design and Construction
 For operation of state-owned facilities, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section, and further provided that three percent (3%) flexibility is allowed from this section to Section 13.025

For the Department of Elementary and Secondary Education	
Expense and Equipment	
From General Revenue Fund (0101)	\$346,816
From Vocational Rehabilitation Fund (0104)	1,058,848
From DESE - Federal Fund (0105).....	371,458

For the Department of Higher Education and Workforce Development	
Expense and Equipment	
From General Revenue Fund (0101)	179,707
From Job Development and Training Fund (0155).....	494,151

For the Department of Revenue	
Expense and Equipment	
From General Revenue Fund (0101)	1,894,726

For the Office of Administration	
Expense and Equipment	
From General Revenue Fund (0101)	3,409,414
From State Facility Maintenance and Operation Fund (0501).....	437,807
From Children's Trust Fund (0694)	23,268

For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund (0101)	91,700
From Department of Agriculture - Federal Fund (0133).....	25,222
From Animal Health Laboratory Fee Fund (0292).....	35,027
From Animal Care Reserve Fund (0295).....	3,126

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From Commodity Council Merchandising Fund (0406)	2,988
From Single - Purpose Animal Facilities Loan Program Fund (0408)	3,549
From Industrial Hemp Fund (0476)	3,095
From State Milk Inspection Fees Fund (0645).....	3,911
From Grain Inspection Fees Fund (0647).....	3,356
From Petroleum Inspection Fund (0662).....	104,916
From Missouri Wine and Grape Fund (0787).....	9,649
From Agriculture Development Fund (0904)	1,400
From Agriculture Protection Fund (0970).....	268,615
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund (0101)	346,034
From DNR - Federal Fund (0140)	253,299
From Missouri Air Emission Reduction Fund (0267).....	42,990
From DNR Cost Allocation Fund (0500).....	75,362
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	116,175
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	7,826
From Solid Waste Management Fund (0570).....	18,487
From Metallic Minerals Waste Management Fund (0575).....	223
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	2,540
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	76,984
From Soil and Water Sales Tax Fund (0614).....	32,459
From Energy Set-Aside Program Fund (0667).....	29,054
From Hazardous Waste Fund (0676).....	28,303
From Safe Drinking Water Fund (0679)	114,327
From Mined Land Reclamation Fund (0906)	9,929
From Energy Futures Fund (0935).....	707
For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund (0101)	220,641
From Division of Tourism Supplemental Revenue Fund (0274).....	133,853
From Department of Economic Development Administrative Fund (0547).....	27,835
For the Department of Commerce and Insurance	
Expense and Equipment	
From Division of Credit Unions Fund (0548).....	27,648
From Division of Finance Fund (0550).....	188,465
From Insurance Examiners Fund (0552).....	100,075
From Insurance Dedicated Fund (0566).....	347,205
From Public Service Commission Fund (0607).....	106,010
From Professional Registration Fees Fund (0689)	224,785

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For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund (0101)	63,488
From DOLIR - Commission on Human Rights - Federal Fund (0117).....	68,744
From DOLIR Administrative Fund (0122)	524,578
From Division of Labor Standards - Federal Fund (0186).....	5,922
From Unemployment Compensation Administration Fund (0948).....	586,279
From Workers' Compensation Fund (0652)	501,373
From Special Employment Security Fund (0949)	319,553
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund (0101)	264,875
From Veterans' Commission Capital Improvement Trust Fund (0304)	109,631
From Division of Alcohol and Tobacco Control Fund (0544)	117,618
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From State Highways and Transportation Department Fund (0644)	174,550
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286)	77,887
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101)	1,026,037
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	869,304
From Department of Mental Health - Federal Fund (0148)	209,846
From Health Initiatives Fund (0275).....	6,262
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	906,939
From Department of Health and Senior Services - Federal Fund (0143)	1,106,248
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	5,366,352
From Temporary Assistance for Needy Families Fund (0199)	122,896
From DSS Federal and Other Sources Fund (0610).....	801,220
From Health Initiatives Fund (0275).....	17,188
From Department of Social Services Educational Improvement Fund (0620)	5,281

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For the Governor	
Expense and Equipment	
From General Revenue Fund (0101)	507,268
For the Lieutenant Governor	
Expense and Equipment	
From General Revenue Fund (0101)	34,899
For the General Assembly	
Expense and Equipment	
From General Revenue Fund (0101)	1,863,459
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund (0101)	991,913
From Secretary of State's Technology Trust Fund Account (0266).....	11,302
From Local Records Preservation Fund (0577).....	5,616
From Investor Education and Protection Fund (0829)	22,263
For the State Auditor	
Expense and Equipment	
From General Revenue Fund (0101)	188,067
For the Attorney General	
Expense and Equipment	
From General Revenue Fund (0101)	505,406
From Attorney General - Federal Fund (0136).....	154,080
From Natural Resources Protection Water Pollution Permit Fee	
Subaccount Fund (0568)	9,580
From Workers' Compensation Fund (0652)	32,438
From Workers' Compensation Second Injury Fund (0653).....	32,438
From Hazardous Waste Fund (0676).....	9,580
For the State Treasurer	
Expense and Equipment	
From State Treasurer's General Operations Fund (0164).....	185,171
For the Judiciary	
Expense and Equipment	
From General Revenue Fund (0101)	242,750
Total.....	\$29,352,266

SECTION 13.015. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the operation of institutional facilities, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section, further provided that three percent (3%) flexibility is allowed from this section to Section 13.025

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For the Department of Elementary and Secondary Education Expense and Equipment From General Revenue Fund (0101)	\$4,304,327
For the Department of Public Safety For the State Highway Patrol Expense and Equipment From General Revenue Fund (0101)	530,253
From State Highways and Transportation Department Fund (0644)	1,745,311
For the Department of Mental Health Expense and Equipment From General Revenue Fund (0101)	21,496,865
For the Department of Health and Senior Services Expense and Equipment From General Revenue Fund (0101)	9,335
From Department of Health and Senior Services - Federal Fund (0143)	10,789
For the Department of Social Services Expense and Equipment From General Revenue Fund (0101)	3,523,707
From DSS Federal and Other Sources Fund (0610)	848,545
Total	<u>\$32,469,132</u>

SECTION 13.020. — To the Office of Administration

For the Division of Facilities Management, Design and Construction For the collection and payment of costs associated with state-owned, institutional, and state leased space occupied by non-state agencies Expense and Equipment From Office of Administration Revolving Administrative Trust Fund (0505)	\$1,500,000
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SECTION 13.025. — To the Office of Administration

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

General Revenue Fund	\$75,514,034
Federal Funds	19,367,568
Other Funds	<u>11,483,804</u>
Total	\$106,365,406

Approved June 30, 2021

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CCS SCS HCS HB 15

Appropriates money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government

AN ACT to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period ending June 30, 2021, as follows:

PART 1

SECTION 15.000. — Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services in implementing the appropriations found in Part 1 and Part 2 of this act.

SECTION 15.005. — To the Department of Elementary and Secondary Education
For distributions to the free public schools
For Early Childhood Special Education
From General Revenue Fund (0101)\$6,425,864

SECTION 15.006. — To the Department of Elementary and Secondary Education
For distributions to the free public schools under the Coronavirus Response and Relief Supplemental Appropriations Act
From Department of Elementary and Secondary Education
Federal Emergency Relief Fund (2305).....\$522,703,375

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SECTION 15.007. — To the Department of Elementary and Secondary Education	
For distributions of the Governor's Emergency Education Relief Funds to the free public schools under the Coronavirus Response and Relief Supplemental Appropriations Act, provided that 50% of funds awarded to local educational agencies under this section are utilized to provide financial assistance or microgrants directly to the parents or legal guardians of students	
From Department of Elementary and Secondary Education	
Federal Emergency Relief Fund (2305).....	\$7,284,647
For distributions of the Governor's Emergency Education Relief Funds for emergency assistance to the non-public schools under the Coronavirus Response and Relief Supplemental Appropriations Act	
From Department of Elementary and Secondary Education	
Federal Emergency Relief Fund (2305).....	67,550,224
Total.....	\$74,834,871
SECTION 15.010. — To the Department of Elementary and Secondary Education	
For the Office of Adult Learning and Rehabilitation Services	
Personal Service	
From Vocational Rehabilitation Fund (0104)	\$1,519,992
SECTION 15.015. — To the Department of Elementary and Secondary Education	
For distributions of charter school closure refunds	
From General Revenue Fund (0101)	\$16,000
SECTION 15.025. — To the Department of Higher Education and Workforce Development	
Funds are to be transferred out of the State Treasury to the A+ Schools Fund	
From Lottery Proceeds Fund (0291).....	\$5,191,632
SECTION 15.030. — To the Department of Higher Education and Workforce Development	
For the A+ Schools Program	
From A+ Schools Fund (0955)	\$5,191,632
SECTION 15.035. — To the University of Central Missouri	
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	\$25,000

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SECTION 15.040. — To Southeast Missouri State University	
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	\$25,000
SECTION 15.045. — To Missouri State University	
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	\$265,000
SECTION 15.050. — To Northwest Missouri State University	
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	\$50,000
SECTION 15.055. — To Missouri Western State University	
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	\$50,000
SECTION 15.060. — To the Department of Revenue	
For collecting highway related fees and taxes	
Personal Service.....	\$232,812
Expense and Equipment.....	<u> 3,057</u>
From State Emergency Management Federal Stimulus Fund (2335) (Not to exceed 8.00 F.T.E.).....	\$235,869
SECTION 15.065. — To the Department of Revenue	
For distribution of emblem use fee contributions collected for specialty plates	
From General Revenue Fund (0101).....	\$14,100
SECTION 15.070. — To the Department of Revenue	
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Highways and Transportation Department Fund, for reimbursement of collection expenditures in excess of the three percent (3%) limit established by Article IV, Sections 29, 30(a), 30(b), and 30(c) of the Constitution of Missouri	
From General Revenue Fund (0101).....	\$703,719
SECTION 15.075. — To the Department of Revenue	
For the State Lottery Commission	
For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of games administered by the State Lottery Commission	
From Lottery Enterprise Fund (0657).....	\$3,000,000

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SECTION 15.080. — To the Department of Revenue
 For the State Lottery Commission
 For the payment of prizes
 From State Lottery Fund (0682).....\$3,500,000

SECTION 15.085. — To the Department of Revenue
 Funds are to be transferred out of the State Treasury to the Lottery Proceeds
 Fund
 From State Lottery Fund (0682).....\$8,000,000

SECTION 15.088. — To the Department of Transportation
 For the Construction Program
 To pay the cost of reimbursing counties and other political subdivisions for
 the acquisition of roads and bridges taken over by the state as permanent
 parts of the state highway system and for the costs of locating, relocating,
 establishing, acquiring, constructing, reconstructing, widening, and
 improving those highways, bridges, tunnels, parkways, travelways,
 tourways, and coordinated facilities authorized under Article IV, Section
 30(b) of the Constitution of Missouri and for acquiring materials, equipment,
 and buildings necessary for such purposes and for other purposes and
 contingencies relating to the location and construction of highways and
 bridges; and to expend funds from the United States Government for like
 purposes
 Construction
 From State Road Fund (0320)..... \$100,000,000

SECTION 15.089. — To the Department of Transportation
 For the Transit Program
 For locally matched grants to small urban and rural areas under Sections 5311,
 5312 and 5316, Title 49, United States Code, provided twenty-five percent
 (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515,
 and 4.520
 From Multimodal Operations Federal Fund (0126) \$450,000
 For transit grants under Sections 5310, 5311, 5312 and 5340, Title 49, United
 States Code
 From Department of Transportation Federal Stimulus Fund (2320)..... 500,000
 Total..... \$950,000

SECTION 15.090. — To the Department of Transportation
 For the Aviation Program
 For construction, capital improvements, or planning of publicly owned airfields
 by cities or other political subdivisions, including land acquisition, pursuant
 to the provisions of the State Block Grant Program administered through the
 Federal Airport Improvement Program
 From Multimodal Operations Federal Fund (0126)\$10,082,000

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SECTION 15.095. — To the Office of Administration	
For the Administrative Hearing Commission	
Personal Service.....	\$28,750
Expense and Equipment.....	<u>20,700</u>
From Missouri Veterans' Health and Care Fund (0606)	
(Not to exceed 0.50 F.T.E.).....	\$49,450
 SECTION 15.096. — To the Office of Administration	
For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund	
From State Emergency Management Federal Stimulus Fund (2335).....	\$17,511,000
 SECTION 15.097. — To the Office of Administration	
For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund	
From State Emergency Management Federal Stimulus Fund (2335).....	\$46,640,000
 SECTION 15.098. — To the Office of Administration	
For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund	
From State Emergency Management Federal Stimulus Fund (2335).....	\$13,149,000
 SECTION 15.099. — To the Office of Administration	
For the distribution of federal funds to non-entitlement units of local government as provided in the American Rescue Plan Act of 2021	
From Coronavirus Local Government Fiscal Recovery Fund (2404).....	\$442,164,000
 SECTION 15.100. — To the Department of Agriculture	
Funds are to be transferred out of the State Treasury to the State Fair Fee Fund	
From General Revenue Fund (0101).....	\$1,600,000
 SECTION 15.102. — To the Department of Natural Resources	
Funds are to be transferred out of the State Treasury to the Utility Revolving Fund	
From General Revenue Fund (0101).....	\$50,000,000
 SECTION 15.103. — To the Department of Natural Resources	
For the Division of Energy	
For the Municipal Utility Emergency Loan Program	
For an interest free loan program for municipal utilities for wholesale electricity and natural gas cost incurred as a result of extraordinary prices between 02/10/2021 and 02/20/2021, to be loaned on a first-come first-served basis to any natural gas or electric municipal utility established pursuant to Chapter 91 RSMo or any municipal utility commission established pursuant to 393.700 RSMo, with a payback period of no more than five years	
From Utility Revolving Fund (0784).....	\$50,000,000

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SECTION 15.105. — To the Department of Economic Development
 For the Business and Community Solutions Division
 For the Missouri Community Service Commission
 Personal Service
 From Community Service Commission Fund (0197)..... \$36,094

SECTION 15.107. — To the Department of Economic Development
 For the Missouri Housing Development Commission
 For housing assistance
 From Housing Assistance Federal Stimulus - 2021 Fund (2450).....\$142,000,000

SECTION 15.110. — To the Department of Labor and Industrial Relations
 Funds are to be transferred out of the State Treasury, for payment of
 administrative costs charged by the Office of Administration, to the
 Department of Labor and Industrial Relations Administrative Fund
 From Special Employment Security Fund (0949)..... \$140,000

SECTION 15.115. — To the Department of Labor and Industrial Relations
 For the Division of Employment Security
 For the payment of refunds set off against debts as required by Section 143.786,
 RSMo
 From Debt Offset Escrow Fund (0753).....\$5,000,000

SECTION 15.120. — To the Department of Public Safety
 For the Office of the Director
 Personal Service..... \$27,113
 Expense and Equipment..... 972,887
 From Justice Assistance Grant Program Fund (0782).....\$1,000,000

SECTION 15.125. — To the Department of Public Safety
 For the Office of the Director
 For the Crime Victims' Compensation Program
 From Department of Labor and Industrial Relations - Crime Victims -
 Federal Fund (0191) \$300,000

SECTION 15.130. — To the Department of Corrections
 For the Division of Human Services
 Personal Service..... \$35,723
 Expense and Equipment..... 199,836
 From General Revenue Fund (0101) (Not to exceed 1.00 F.T.E.) \$235,559

SECTION 15.135. — To the Department of Mental Health
 For the Office of the Director
 For paying overtime to state employees. Nonexempt state employees identified
 by Section 105.935, RSMo, will be paid first with any remaining funds being
 used to pay overtime to any other state employees

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Personal Service
From General Revenue Fund (0101) \$491,631

SECTION 15.140. — To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the Federal Earnings
Fund for supporting the Department of Mental Health
From Department of Mental Health Federal Fund (0148) \$24,223,126
From Department of Mental Health Federal Stimulus Fund (2345) 13,396,967
Total \$37,620,093

SECTION 15.145. — To the Department of Mental Health

For the Division of Behavioral Health
To pay the state operated hospital provider tax
Expense and Equipment
From General Revenue Fund (0101) \$100,000

SECTION 15.150. — To the Department of Mental Health

For the Division of Behavioral Health
For adult community programs
Expense and Equipment
From Department of Mental Health Federal Fund (0148) \$2,104,435
From DMH Local Tax Matching Fund (0930) 1,126,546
Total \$3,230,981

SECTION 15.155. — To the Department of Mental Health

For the Division of Behavioral Health
For youth community programs
Expense and Equipment
From Department of Mental Health Federal Fund (0148) \$270,866
From DMH Local Tax Matching Fund (0930) 145,000
Total \$415,866

SECTION 15.160. — To the Department of Health and Senior Services

For the Division of Administration
For refunds
From Missouri State Coroners' Training Fund (0846) \$1,200

SECTION 15.161. — To the Department of Health and Senior Services

For the Division of Community and Public Health
For supplemental nutrition programs
Expense and Equipment
From Department of Health and Senior Services Federal Fund (0143) \$29,411,478

SECTION 15.162. — To the Department of Health and Senior Services

For the Division of Community and Public Health
For the Office of Emergency Coordination
For addressing coronavirus preparedness and response

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

Personal Service.....	\$256,713
Expense and Equipment and Program Distribution.....	<u>3,108,932</u>
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	3,365,645
For coronavirus mitigation efforts, including, but not limited to, testing, tracing, reporting, and related expenses	
Personal Service	
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	3,049,467
For expense for the support of the state's COVID-19 vaccination plan and expand routine vaccination efforts	
Personal Service.....	200,000
Expense and Equipment.....	<u>19,800,000</u>
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	<u>20,000,000</u>
Total (Not to exceed 1.00 F.T.E.).....	\$26,415,112

SECTION 15.165. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the State Public Health Laboratory

Personal Service.....	\$127,938
Expense and Equipment.....	<u>499,910</u>
From Department of Health and Senior Services Federal Fund (0143).....	\$627,848

SECTION 15.170. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For providing consumer directed personal care assistance services at a rate not
to exceed sixty percent (60%) of the average monthly Medicaid cost of
nursing facility care

Expense and Equipment	
From General Revenue Fund (0101).....	\$15,019,674
From Department of Health and Senior Services Federal Fund (0143).....	<u>27,813,743</u>
Total.....	\$42,833,417

SECTION 15.175. — To the Department of Social Services

For the Division of Finance and Administrative Services

For the receipt and disbursement of refunds and incorrectly deposited receipts to
allow the over collection of accounts receivables to be paid back to the
recipient

From Title XIX - Federal Fund (0163).....	\$2,000,000
From Premium Fund (0885).....	<u>2,000,000</u>
Total.....	\$4,000,000

SECTION 15.180. — To the Department of Social ServicesFunds are to be transferred out of the State Treasury to the Federal Earnings
Fund

From Title XIX - Federal Fund (0163).....	\$30,994,369
From Department of Social Services Federal Fund (0610).....	20,245,544

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

From Temporary Assistance for Needy Families Federal Fund (0199).....	62,329,945
From CHIP Increased Enhancement Fund (0492)	<u>16,601,442</u>
Total.....	\$130,171,300

SECTION 15.181. — To the Department of Social Services
 For the Family Support Division
 For the income maintenance field staff and operations
 Expense and Equipment
 From Department of Social Services Federal Stimulus Fund (2355)..... \$189,080

SECTION 15.182. — To the Department of Social Services
 For the Family Support Division
 For the electronic benefit transfers (EBT) system
 Expense and Equipment
 From Department of Social Services Federal Stimulus Fund (2355)..... \$3,333,403

SECTION 15.183. — To the Department of Social Services
 For the Family Support Division
 For contractor, hardware, and other costs associated with planning,
 development, and implementation of a Family Assistance Management
 Information System (FAMIS)
 Expense and Equipment
 From Department of Social Services Federal Stimulus Funds (2355)..... \$6,966

SECTION 15.184. — To the Department of Social Services
 For the Family Support Division
 For the Low-Income Household Drinking Water and Wastewater Emergency
 Assistance Program
 From the Department of Social Services Federal Stimulus Fund (2355)..... \$12,760,000

SECTION 15.186. — To the Department of Social Services
 For the Children's Division
 For independent living placements and transitional living services
 From Department of Social Services Federal Stimulus Funds (2355)..... \$1,703,480

SECTION 15.187. — To the Department of Social Services
 For the Children's Division
 For child care subsidy payments, provided that the income thresholds for
 childcare subsidies shall be a full traditional benefit for individuals with an
 income which is less than or equal to 150 percent of the federal poverty
 level; a transitional benefit of 80 percent for individuals with an income
 which is less than or equal to 185 percent of the federal poverty level but
 greater than 150 percent of the federal poverty level; a transitional benefit of
 60 percent for individuals with an income which is less than or equal to 215
 percent of the federal poverty level but greater than 185 percent of federal
 poverty level, and further provided that any individual can qualify for a
 traditional or transitional child care subsidy benefit irregardless of previously

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qualifying for a traditional or transitional benefit for a child care subsidy, and further provided that the established sliding fee that provides for cost sharing by families that receive subsidy services be waived for the participant and paid by the department to providers from this appropriation; and to provide childcare subsidies for children under the care, custody, or involved with the Department of Social Services - Children's Division and children adopted or under legal guardianship through Children's Division, and further provided child care subsidy providers not currently receiving disproportionate share rate differentials from July 2020 to December 2020 shall receive a 20 percent rate differential from January 2021 to May 2021

From Department of Social Services Federal Stimulus Fund (2355).....\$37,031,126

SECTION 15.190. — To the Department of Social Services

For the MO HealthNet Division

For pharmaceutical payments under the MO HealthNet fee-for-service program, professional fees for pharmacists, and for a comprehensive chronic care risk management program, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)\$31,671,636

From Title XIX - Federal Fund (0163)..... 59,419,275

Total.....\$91,090,911

SECTION 15.195. — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding pharmaceutical payments under the Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo

From General Revenue Fund (0101) \$538,913

SECTION 15.200. — To the Department of Social Services

For the MO HealthNet Division

For physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, asthma related services, diabetes prevention and obesity related services, services provided by chiropractic physicians, and family planning services under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, and Major Medical Prior Authorization, and the program of All-Inclusive Care for the Elderly, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)\$3,823,761

From Title XIX - Federal Fund (0163)..... 47,823,835

Total.....\$51,647,596

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SECTION 15.205. — To the Department of Social Services

For the MO HealthNet Division

For payments to third-party insurers, employers, or policyholders for health insurance, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)	\$6,335,945
From Title XIX - Federal Fund (0163)	<u>9,207,340</u>
Total	\$15,543,285

SECTION 15.210. — To the Department of Social Services

For the MO HealthNet Division

For all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service program, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)	\$15,766,298
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For non-emergency medical transportation, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)	1,437,771
From Title XIX - Federal Fund (0163)	<u>3,000,729</u>
Total	\$20,204,798

SECTION 15.215. — To the Department of Social Services

For the MO HealthNet Division

For complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient; such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)	\$375,712
From Title XIX - Federal Fund (0163)	<u>741,727</u>
Total	\$1,117,439

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Matter in bold-face type is proposed language.

SECTION 15.220. — To the Department of Social Services

For the MO HealthNet Division

For payment to comprehensive prepaid health care plans as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo, provided that the department shall implement programs or measures to achieve cost-savings through emergency room services reform, and further provided that MO HealthNet eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)	\$106,742,281
From Title XIX - Federal Fund (0163).....	196,332,833
From Health Initiatives Fund (0275).....	3,000,000
From Ambulance Service Reimbursement Allowance Fund (0958).....	<u>515,312</u>
Total.....	\$306,590,426

SECTION 15.225. — To the Department of Social Services

For the MO HealthNet Division

For hospital care under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, provided that the MO HealthNet Division shall track payments to out-of- state hospitals by location, and further provided the department seek a waiver of the institutions for mental disease (IMD) exclusion for inpatient mental health treatment for MO HealthNet participants in psychiatric hospitals pursuant to Section 12003 of the 21st Century Cures Act with the state share through the federal reimbursement allowance, and further provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From Title XIX - Federal Fund (0163).....	\$21,249,484
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SECTION 15.230. — To the Department of Social Services

For the MO HealthNet Division

For health homes, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)	\$239,556
From Title XIX - Federal Fund (0163).....	<u>2,427,496</u>
Total.....	\$2,667,052

SECTION 15.235. — To the Department of Social Services

For the MO HealthNet Division

For funding programs to enhance access to care for uninsured children using fee for service, prepaid health plans, or other alternative service delivery and

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reimbursement methodology approved by the director of the Department of Social Services, provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than or equal to 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than or equal to 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)	\$3,696,349
From Title XIX - Federal Fund (0163)	<u>12,105,293</u>
Total	\$15,801,642

SECTION 15.240. — To the Department of Social Services

For the MO HealthNet Division

For the Show-Me Healthy Babies Program authorized by Section 208.662, RSMo, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 15.190, 15.200, 15.205, 15.210, 15.215, 15.220, 15.225, 15.230, 15.235, 15.240

From General Revenue Fund (0101)	\$9,365,643
From Title XIX - Federal Fund (0163)	<u>29,220,860</u>
Total	\$38,586,503

SECTION 15.245. — To the Department of Social Services

For the MO HealthNet Division

For payments to the Department of Mental Health

From Department of Social Services Intergovernmental Transfer Fund (0139) \$4,258,658

SECTION 15.250. — To the Secretary of State

For election costs associated with absentee ballots

From General Revenue Fund (0101) \$223,543

PART 2

SECTION 15.500. — To the Department of Higher Education and Workforce

Development and public institutions of higher education

In reference to all sections in Part 1 of this act:

No funds shall be expended at public institutions of higher education that offer a tuition rate to any student with an unlawful immigration status in the

United States that is less than the tuition rate charged to international students.

SECTION 15.505. — To the Department of Higher Education and Workforce Development and public institutions of higher education
In reference to all sections in Part 1 of this act:
No scholarship funds shall be expended on behalf of students with an unlawful immigration status in the United States.

SECTION 15.510. — To the Department of Public Safety
In reference to Sections 15.120 and 15.125 of Part 1 of this act:
No funds shall be spent for any flight on a state aircraft where an elected official will be on board without a flight plan being made publicly available via a global aviation data services organization that operates both a website and mobile application which provides free flight tracking of both private and commercial aircraft.

SECTION 15.515. — To the Department of Mental Health and the Department of Health and Senior Services
In reference to Sections 15.150, 15.155, and 15.170 of Part 1 of this act:
No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2020, with the exception of revenue maximization initiatives, except for Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health, with the exception of revenue maximization initiatives, and further excepting providers of children's residential treatment services, for whom no funds shall be expended in furtherance of provider rates greater than: \$119.67 daily for children's basic residential treatment services, \$113.67 daily for children's infant, toddler, or preschool residential treatment services, \$133.04 daily for children's level 2 residential treatment services, \$133.33 daily for children's level 3 residential treatment services, \$175.26 daily for children's level 4 residential treatment services.

SECTION 15.520. — To the Department of Social Services
In reference to Section 15.187 of Part 1 of this act:
No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2020, except for child care subsidy providers not currently receiving disproportionate share rate differentials shall receive a 20% rate differential from January 2021 to May 2021, and no funds shall be expended in furtherance of traditional or transitional child care subsidy income eligibility thresholds than those provided, and further provided the child care subsidy program sliding fee schedule shall be waived for the participant and paid by the department to providers from this appropriation.

SECTION 15.525. — To the Department of Social Services

In reference to Sections 15.200 and 15.230 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2020, except for Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health.

SECTION 15.530. — To the Department of Social Services

In reference to Section 15.210 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2020, except for providers of ground ambulance services for whom no funds shall be expended in furtherance of the rate greater than a \$45.00 base rate increase from the rate in effect January 1, 2020, except for providers of non-emergency medical transportation for MO HealthNet and Department of Mental Health for whom no funds shall be expended in furtherance of provider rates greater than the lower bound actuarial soundness rate, and further excepting providers of hospice care, for whom no funds shall be expended in furtherance of room and board rates greater than 0.35% above the rate in effect on January 1, 2019, and no greater than 95% of the nursing facility per diem rate for room and board for services provided in a nursing facility, except for provider retention initiatives related to Coronavirus Disease 2019 (COVID-19).

SECTION 15.535. — To the Department of Social Services

In reference to Section 15.220 of Part 1 of this act:

No funds shall be expended in furtherance of managed care contract rates greater than the lower bound actuarial soundness rate, except for providers of ground ambulance services for whom no funds shall be expended in furtherance of the rate greater than a \$45.00 base rate increase from the rate in effect January 1, 2020.

PART 3**SECTION 15.600.** — To the Department of Social Services

In reference to Section 15.187 of Part 1 and Part 2 of this act:

The Department shall provide written notification prior to submission to the federal government of state plans and state plan amendments, and reports required under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (P.L. 116-260 Division M) to the House Budget and Senate Appropriation Committee Chairs.

SECTION 15.605. — To the Department of Social Services

In reference to Section 15.220 of Part 1 and Part 2 of this act:

Contract changes shall be provided in writing, prior to submission to the Centers for Medicare and Medicaid Services, to the House Budget and Senate Appropriation Committee Chairs.

SECTION 15.610. — To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

The Department shall provide written notification prior to submission to the federal government of state plans and state plan amendments, grant applications, and Medicaid waivers to the House Budget and Senate Appropriation Committee Chairs.

Bill Totals

General Revenue Fund.....	\$254,807,955
Federal Funds.....	1,796,322,610
Other Funds.....	116,667,940
Total.....	\$2,167,798,505

Approved May 13, 2021

HCS HB 16

Appropriates appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government

AN ACT to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period ending June 30, 2021, as follows:

SECTION 16.005. — To the Department of Economic Development

For the Missouri Housing Development Commission

For the Emergency Rental Assistance Program, provided that not more than two and four-tenths percent (2.4%) may be expended for administration

From Housing Assistance Federal Stimulus Fund (2303)\$324,694,749

SECTION 16.010. — To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the Housing Assistance Stimulus Fund

From State Emergency Management Federal Stimulus Fund (2335).....\$324,694,749

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

Bill Totals

Total - Federal Funds\$324,694,749

Approved February 11, 2021

HCS HB 17

Appropriates money for capital improvement and other purposes for the several departments and offices of state government

AN ACT to appropriate money for capital improvement and other purposes for the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 2021, and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2021, and ending June 30, 2022, the unexpended balances available as of June 30, 2021, but not to exceed the amounts stated herein, as follows:

SECTION 17.010. — To the Office of Administration

For the Department of Elementary and Secondary Education

For planning, design, repairs, replacements, improvements, and renovations to the Missouri School for the Blind

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.005, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.015, an Act of the 100th General Assembly, Second Regular Session

From School for the Blind Trust Fund (0920)\$2,150,528

SECTION 17.015. — To Harris-Stowe State University

For repair and renovations including hazmat remediation, upgrades to windows, HVAC, electrical systems, plumbing, and finishes for Vashon Center

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.125, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.030, an Act of the 100th General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)\$865,786

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Matter in bold-face type is proposed language.

SECTION 17.020. — To Harris-Stowe State University	
For planning, design, renovation, and construction of laboratory space on the Harris-Stowe State University Campus	
Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.090, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.045, an Act of the 100th General Assembly, Second Regular Session	
From General Revenue Fund (0101)	\$440,000
 SECTION 17.025. — To Harris-Stowe State University	
For design and construction of a STEM laboratory	
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.095, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.050, an Act of the 100th General Assembly, Second Regular Session	
From General Revenue Fund (0101)	\$475,000
 SECTION 17.030. — To Truman State University	
For renovation and preservation of the Greenwood School for the Inter-Professional Autism Clinic	
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.115, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.060, an Act of the 100th General Assembly, Second Regular Session	
From General Revenue Fund (0101)	\$98,859
 SECTION 17.035. — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For repair and renovations at facilities statewide	
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.140, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.070, an Act of the 100th General Assembly, Second Regular Session	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$277,387
 SECTION 17.040. — To the Office of Administration	
For repairs and renovations to the exterior of the State Capitol Building	
Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.070, an Act of the 99th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.075, an Act of the 100th General Assembly, Second Regular Session	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$6,640

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

SECTION 17.045. — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at the Capitol Complex	
Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.020, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.080, an Act of the 100th General Assembly, Second Regular Session	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$21,123,115
 SECTION 17.050. — To the Office of Administration	
For the Department of Agriculture	
For construction of a new campground at the State Fairgrounds	
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.010, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.090, an Act of the 100th General Assembly, Second Regular Session	
From General Revenue Fund (0101)	\$250,532
 SECTION 17.060. — To the Department of Natural Resources	
For the Division of State Parks	
For repair and renovation at state parks and historic sites in the Central region	
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.191, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.100, an Act of the 100th General Assembly, Second Regular Session	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$20,224
 SECTION 17.065. — To the Department of Natural Resources	
For the Division of State Parks	
For repair and renovation at state parks and historic sites in the Northeast region	
Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.201, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.110, an Act of the 100th General Assembly, Second Regular Session	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$227,695
 SECTION 17.070. — To the Department of Natural Resources	
For the Division of State Parks	
For repair and renovation at state parks and historic sites in the Kansas City region	

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

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.206, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.115, an Act of the 100th General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$26,693

SECTION 17.075. — To the Department of Natural Resources

For the Division of State Parks

For repair and renovation at state parks and historic sites in the St. Louis region

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.216, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.125, an Act of the 100th General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$284,730

SECTION 17.080. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.015, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.145, an Act of the 100th General Assembly, Second Regular Session

From State Park Earnings Fund (0415) \$159,292

SECTION 17.085. — To the Department of Natural Resources

For the Division of State Parks

For an engineering and hydrology study at Big Oak Tree State Park

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.050, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.155, an Act of the 100th General Assembly, Second Regular Session

From State Park Earnings Fund (0415) \$96,400

SECTION 17.090. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
 Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.020, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.160, an Act of the 100th General Assembly, Second Regular Session
 From State Park Earnings Fund (0415) \$500,000

SECTION 17.095. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
 Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.015, an Act of the 100th General Assembly, Second Regular Session
 From Department of Natural Resources Federal Fund (0140) \$500,000
 From State Park Earnings Fund (0415) 500,000
 Total..... \$1,000,000

SECTION 17.100. — To the Department of Conservation

For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land
 Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.020, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.170, an Act of the 100th General Assembly, Second Regular Session
 From Conservation Commission Fund (0609) \$1,467,755

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

SECTION 17.105. — To the Department of Conservation

For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.025, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.175, an Act of the 100th General Assembly, Second Regular Session

From Conservation Commission Fund (0609)\$13,384,222

SECTION 17.110. — To the Department of Conservation

For major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.020, an Act of the 100th General Assembly, Second Regular Session

From Conservation Commission Fund (0609)\$20,628,117

SECTION 17.115. — To the Office of Administration

For the Missouri State Highway Patrol

For planning, design and construction at the General Headquarters

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.025, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.180, an Act of the 100th General Assembly, Second Regular Session

From General Revenue Fund (0101) \$364,995

From State Highways and Transportation Department Fund (0644) 928,131

From Gaming Commission Fund (0286) 339,603

From DNA Profiling Analysis Fund (0772) 293,255

Total.....\$1,925,984

SECTION 17.120. — To the Office of Administration

For the Department of Public Safety

For design and construction of a storage building at the St. Louis Veterans' Home

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.035, an Act of the 97th General Assembly, First

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Matter in bold-face type is proposed language.

Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.185, an Act of the 100th General Assembly, Second Regular Session
 From Veterans' Commission Capital Improvement Trust Fund (0304) \$843,154

SECTION 17.125. — To the Office of Administration

For the Department of Public Safety

For construction of a new columbarium wall and adjacent roadway at Bloomfield Veterans Cemetery

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.040, an Act of the 100th General Assembly, First Regular Session, most recently authorized under the provisions of House Bill 2017, Section 17.195, an Act of the 100th General Assembly, Second Regular Session

From Veterans' Commission Capital Improvement Trust Fund (0304) \$2,818,454

SECTION 17.130. — To the Office of Administration

For the Department of Public Safety

For construction of a new columbarium wall and adjacent roadway at Jacksonville Veterans Cemetery

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.030, an Act of the 100th General Assembly, Second Regular Session

From Veterans' Commission Capital Improvement Trust Fund (0304) \$1,364,134

From Veterans Assistance Fund (0461) 1,000,000

Total..... \$2,364,134

SECTION 17.135. — To the Office of Administration

For the Adjutant General - Missouri National Guard

For design and construction of National Guard facilities statewide, an addition to the aircraft maintenance facility at AVCRAD Base in Springfield, and the renovation of a Department of Transportation building for Missouri National Guard troop additions

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.030, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.205, an Act of the 100th General Assembly, Second Regular Session

From Adjutant General Federal Fund (0190)..... \$161,941

SECTION 17.140. — To the Office of Administration

For the Adjutant General - Missouri National Guard

For design and construction of National Guard facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.030, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of

House Bill 2017, Section 17.210, an Act of the 100th General Assembly,
Second Regular Session
From Adjutant General Federal Fund (0190).....\$16,667,926

SECTION 17.145. — To the Office of Administration
For the Adjutant General - Missouri National Guard
For design and construction of an addition to the aircraft maintenance facility at
AVCRAD Base in Springfield and design and construction of a readiness
center and maintenance hangar at AVCRAD Base in Springfield
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.035, an Act of the 100th General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 2017, Section 17.215, an Act of the 100th General Assembly,
Second Regular Session
From Adjutant General Federal Fund (0190).....\$117,403,393

SECTION 17.150. — To the Office of Administration
For the Adjutant General - Missouri National Guard
For design and construction of National Guard facilities statewide
Representing expenditures originally authorized under the provisions of
House Bill 2019, Section 19.025, an Act of the 100th General Assembly,
Second Regular Session
From Adjutant General Federal Fund (0190)\$19,970,935

SECTION 17.160. — To the Office of Administration
For the completion of design and construction to replace Fulton State Hospital
Representing expenditures originally authorized under the provisions of
House Bill 2005, Section 5.197, an Act of the 97th General Assembly,
Second Regular Session, and most recently authorized under the provisions
of House Bill 2017, Section 17.225, an Act of the 100th General Assembly,
Second Regular Session
From Fulton State Hospital Bond Proceeds Fund (Various)\$2,393,764

SECTION 17.165. — To the Office of Administration
For the Department of Mental Health
For repair and renovations at facilities statewide
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.170, an Act of the 98th General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 2017, Section 17.230, an Act of the 100th General Assembly,
Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (Various) \$20,520

SECTION 17.170. — To the Office of Administration
For the Department of Mental Health
For the planning, design, and renovation of the Biggs facility at the Fulton State
Hospital

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

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.035, an Act of the 100th General Assembly, Second Regular Session
 From Fulton State Hospital Bond Proceeds Fund (Various)\$1,600,000

SECTION 17.175.— To the Office of Administration

For the Department of Social Services

For repair and renovations at facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.175, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 2017, Section 17.235, an Act of the 100th General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$84,419

Bill Totals

General Revenue Fund.....	\$1,629,386
Federal Funds.....	154,704,195
Other Funds.....	<u>73,404,018</u>
Total.....	<u>\$229,737,599</u>

Approved June 30, 2021

SCS HCS HB 18

Appropriates money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment, planning, expenses, and capital improvement projects.

AN ACT to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment, planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; grants, refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2021 and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2021 and ending June 30, 2022, as follows:

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

SECTION 18.005. — To the Office of Administration	
For the Department of Elementary and Secondary Education	
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide	
From Facilities Maintenance Reserve Fund (0124).....	\$10,091,490
 SECTION 18.010. — To the Office of Administration	
For the State Lottery Commission	
For repairs, replacements, and improvements at the Missouri Lottery Commission Headquarters	
From Lottery Enterprise Fund (0657).....	\$823,032
 SECTION 18.015. — Funds are to be transferred out of the State Treasury to the Facilities Maintenance Reserve Fund	
From General Revenue Fund (0101).....	\$100,000,000
 SECTION 18.020. — To the Office of Administration	
Funds are to be transferred out of the State Treasury to the Veterans Commission Capital Improvement Trust Fund	
From Facilities Maintenance Reserve Fund (0124).....	\$6,000,000
 SECTION 18.025. — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For emergency requirements, unprogrammed requirements, appraisals and surveys, assessment, abatement, removal remediation, and management of hazardous materials and pollutants, energy conservation, building utilization, and project administration requirements for facilities statewide	
From Facilities Maintenance Reserve Fund (0124).....	\$29,137,092
 SECTION 18.030. — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide	
From Facilities Maintenance Reserve Fund (0124).....	\$80,807,334
 SECTION 18.035. — To the Office of Administration	
For the Division of Facilities Management, Design and Construction	
For receipt and expenditure of insurance or other reimbursements for damage from natural or man-made events	
From Facilities Maintenance Reserve Fund (0124).....	\$25,000,000
 SECTION 18.040. — To the Office of Administration	
For the Department of Agriculture	

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

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$6,094,335

SECTION 18.045. — To the Office of Administration

For the Department of Natural Resources
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$1,862,290

SECTION 18.050. — To the Department of Natural Resources

For the Division of State Parks
 For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
 From Department of Natural Resources Federal Fund (0140)\$5,200,000
 From State Park Earnings Fund (0415)23,253,034
 From Historic Preservation Revolving Fund (0430) 700,000
 From State Park Sales Tax Fund (0613)..... 11,033,138
 Total.....\$40,186,172

SECTION 18.055. — To the Department of Conservation

For stream access development; lake site development; financial assistance to other public agencies or in partnership with other public agencies; major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land
 From Conservation Commission Fund (0609)\$46,635,872

SECTION 18.060. — To the Office of Administration

For the Department of Labor and Industrial Relations
 For repairs, replacements, and improvements at facilities statewide
 From Workers' Compensation Fund (0652)\$400,000
 From Special Employment Security Fund (0949) 800,000
 Total.....\$1,200,000

SECTION 18.065. — To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide
 From State Highways and Transportation Department Fund (0644).....\$21,098,896

SECTION 18.070. — To the Office of Administration
 For the Department of Public Safety
 For repairs, replacements, and improvements at state veterans' homes
 From Veterans' Commission Capital Improvement Trust Fund (0304)\$56,166,589

SECTION 18.075. — To the Office of Administration
 For the Adjutant General - Missouri National Guard
 For maintenance and repair at National Guard facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$16,192,592
 From Adjutant General Federal Fund (0190)..... 50,781,266
 Total.....\$66,973,858

SECTION 18.080. — To the Office of Administration
 For the Department of Corrections
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$58,470,921

SECTION 18.085. — To the Department of Corrections
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$5,079,153

SECTION 18.090. — To the Office of Administration
 For the Department of Mental Health
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$53,519,999

SECTION 18.095. — To the Office of Administration
 For the Department of Social Services
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$7,109,408
 From Department of Social Services Federal Fund (0610)..... 600,000
 Total.....\$7,709,408

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

Bill Totals

General Revenue Fund.....	\$100,000,000
Federal Funds.....	56,581,266
Other Funds.....	<u>160,910,561</u>
Total.....	\$317,491,827

Approved June 30, 2021

SS SCS HCS HB 19

Appropriates money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements

AN ACT to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2021 and ending June 30, 2022.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2021 and ending June 30, 2022, as follows:

SECTION 19.005. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

From Department of Natural Resources Federal Fund (0140)	\$2,425,000
From State Park Earnings Fund (0415)	<u>5,840,000</u>
Total	\$8,265,000

SECTION 19.010. — To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Big Lake State Park

From Board of Public Buildings Bond Proceeds Fund (Various).....	\$3,010,343
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

SECTION 19.015. — To the Department of Natural Resources For the Division of State Parks For planning, design, construction, renovation, and upgrades of facilities at Cuivre River State Park From Board of Public Buildings Bond Proceeds Fund (Various)	\$1,747,162
SECTION 19.020. — To the Department of Natural Resources For the Division of State Parks For planning, design, construction, renovation, and upgrades of facilities at Current River State Park From Board of Public Buildings Bond Proceeds Fund (Various)	\$9,900,029
SECTION 19.025. — To the Department of Natural Resources For the Division of State Parks For planning, design, construction, renovation, and upgrades of facilities at Dr. Edmund A. Babler State Park From Board of Public Buildings Bond Proceeds Fund (Various)	\$4,487,030
SECTION 19.030. — To the Department of Natural Resources For the Division of State Parks For planning, design, construction, renovation, and upgrades of facilities at Echo Bluff State Park From Board of Public Buildings Bond Proceeds Fund (Various)	\$3,011,901
SECTION 19.035. — To the Department of Natural Resources For the Division of State Parks For planning, design, construction, renovation, and upgrades of facilities at Finger Lakes State Park From Board of Public Buildings Bond Proceeds Fund (Various)	\$1,424,654
SECTION 19.040. — To the Department of Natural Resources For the Division of State Parks For planning, design, construction, renovation, and upgrades of facilities at Harry S Truman State Park From Board of Public Buildings Bond Proceeds Fund (Various)	\$871,698
SECTION 19.045. — To the Department of Natural Resources For the Division of State Parks For planning, design, construction, renovation, and upgrades of facilities at Johnson's Shut-Ins State Park From Board of Public Buildings Bond Proceeds Fund (Various)	\$3,576,263
SECTION 19.050. — To the Department of Natural Resources For the Division of State Parks For planning, design, construction, renovation, and upgrades of facilities at Lake of the Ozarks State Park From Board of Public Buildings Bond Proceeds Fund (Various)	\$2,784,026

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

SECTION 19.055. — To the Department of Natural Resources	
For the Division of State Parks	
For planning, design, construction, renovation, and upgrades of facilities at Lewis and Clark State Park	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$1,319,192
 SECTION 19.060. — To the Department of Natural Resources	
For the Division of State Parks	
For planning, design, construction, renovation, and upgrades of facilities at Long Branch State Park	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$2,283,103
 SECTION 19.065. — To the Department of Natural Resources	
For the Division of State Parks	
For planning, design, construction, renovation, and upgrades of facilities at Montauk State Park	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$2,130,985
 SECTION 19.070. — To the Department of Natural Resources	
For the Division of State Parks	
For planning, design, construction, renovation, and upgrades of facilities at Onondaga Cave State Park	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$2,075,439
 SECTION 19.075. — To the Department of Natural Resources	
For the Division of State Parks	
For planning, design, construction, renovation, and upgrades of facilities at Roaring River State Park	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$1,623,689
 SECTION 19.080. — To the Department of Natural Resources	
For the Division of State Parks	
For planning, design, construction, renovation, and upgrades of facilities at St. Francois State Park	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$4,172,848
 SECTION 19.085. — To the Department of Natural Resources	
For the Division of State Parks	
For planning, design, construction, renovation, and upgrades of facilities at Stockton State Park	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$670,106
 SECTION 19.090. — To the Department of Natural Resources	
For the Division of State Parks	
For planning, design, construction, renovation, and upgrades of facilities at Table Rock State Park	
From Board of Public Buildings Bond Proceeds Fund (Various)	\$6,605,968

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

SECTION 19.095. — To the Department of Natural Resources
 For the Division of State Parks
 For planning, design, construction, renovation, and upgrades of facilities at
 Thousand Hills State Park
 From Board of Public Buildings Bond Proceeds Fund (Various) \$871,698

SECTION 19.100. — To the Department of Natural Resources
 For the Division of State Parks
 For planning, design, construction, renovation, and upgrades of facilities at Trail
 of Tears State Park
 From Board of Public Buildings Bond Proceeds Fund (Various) \$840,195

SECTION 19.105. — To the Department of Natural Resources
 For the Division of State Parks
 For planning, design, construction, renovation, and upgrades of facilities at
 Wakonda State Park
 From Board of Public Buildings Bond Proceeds Fund (Various) \$1,733,917

SECTION 19.110. — To the Department of Natural Resources
 For the Division of State Parks
 For planning, design, construction, renovation, and upgrades of facilities at
 Watkins Woolen Mill State Park
 From Board of Public Buildings Bond Proceeds Fund (Various) \$4,175,195

SECTION 19.115. — To the Department of Natural Resources
 For the Division of State Parks
 For planning, design, construction, renovation, and upgrades of facilities at
 Weston Bend State Park
 From Board of Public Buildings Bond Proceeds Fund (Various) \$958,110

SECTION 19.120. — To the Department of Conservation
 For major improvements and repairs (including materials, supplies, and labor)
 to buildings, roads, hatcheries, signage, and other departmental structures;
 and for soil conservation activities, erosion control, and land improvement
 on department land
 From Conservation Commission Fund (0609) \$11,700,000

For stream access acquisition and development; lake site acquisition and
 development; financial assistance to other public agencies or in partnership
 with other public agencies; land acquisition for upland wildlife, state forests,
 wetlands, and natural areas and additions to existing areas
 From Conservation Commission Fund (0609) 7,000,000
 Total..... \$18,700,000

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

SECTION 19.125. — To the Office of Administration	
For the Department of Public Safety	
For planning, design, and construction of a new Troop A Headquarters and related facilities	
From Highways and Transportation Funds (0644).....	\$3,250,376
From State Institutions Gift Trust Fund (0925).....	<u>8,113,000</u>
Total.....	\$11,363,376
SECTION 19.130. — To the Office of Administration	
For the Adjutant General - Missouri National Guard	
For design and construction of National Guard facilities statewide	
From Adjutant General Federal Fund (0190).....	\$30,000,000
SECTION 19.135. — To the Office of Administration	
For the Adjutant General - Missouri National Guard	
For design and construction of an elevator at the Ike Skelton Training Center	
From Budget Stabilization Fund (0522).....	\$532,920
SECTION 19.140. — To the Office of Administration	
For the Department of Mental Health	
For the planning, design, and construction at the Southeast Missouri Mental Health Center warehouse	
From Budget Stabilization Fund (0522).....	\$370,249
SECTION 19.145. — To Truman State University	
For improvements to the Greenwood Autism Center	
From Budget Stabilization Fund (0522).....	\$4,600,000
SECTION 19.150. — To Missouri Southern State University	
For structural repairs at the Taylor Performing Arts Center	
From Budget Stabilization Fund (0522).....	\$2,500,000
SECTION 19.155. — To Missouri Western State University	
For improvements to Scanlon Hall	
From Budget Stabilization Fund (0522).....	\$644,000
SECTION 19.160. — To the Department of Higher Education and Workforce Development	
For the construction of a building for technical education programs located in a city of the fourth classification with more than three thousand seven hundred but fewer than four thousand inhabitants and located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, provided that local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds	
From Budget Stabilization Fund (0522).....	\$1,500,000

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

SECTION 19.165. — To the Department of Higher Education and Workforce Development
 For the construction of a building for technical education programs located in a city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants
 From Budget Stabilization Fund (0522).....\$5,000,000

SECTION 19.170. — To the University of Missouri
 For the design and construction of a new veterinary laboratory, provided that local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
 From Budget Stabilization Fund (0522).....\$15,000,000

SECTION 19.180. — To the University of Central Missouri
 For improvements to the W.C. Morris Building
 From Budget Stabilization Fund (0522).....\$5,000,000

SECTION 19.185. — To Harris-Stowe State University
 For various deferred maintenance projects
 From Budget Stabilization Fund (0522).....\$2,000,000

SECTION 19.190. — To Lincoln University
 For expansion and renovation of the nursing education facility
 From Budget Stabilization Fund (0522).....\$4,000,000

SECTION 19.195. — To the State Technical College of Missouri
 For construction of the Utility Technical Center phase II
 From Budget Stabilization Fund (0522).....\$5,000,000

SECTION 19.200. — To Southeast Missouri State University
 For steam tunnel repair and improvements
 From Budget Stabilization Fund (0522).....\$5,000,000

SECTION 19.205. — To Northwest Missouri State University
 For repairs and improvements to the Central Plant
 From Budget Stabilization Fund (0522).....\$5,000,000

SECTION 19.210. — To Missouri State University
 For the planning, design, and construction of the expansion to the Darr Agricultural Center
 From Budget Stabilization Fund (0522).....\$4,000,000

SECTION 19.215. — To the Department of Higher Education and Workforce Development
 For equal distribution to community colleges for deferred maintenance
 From Budget Stabilization Fund (0522).....\$18,000,000

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

SECTION 19.220. — To the Department of Higher Education and Workforce Development	
For a community college located in a city of the third classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants for construction of a technical education and workforce development building	
From Budget Stabilization Fund (0522)	\$5,000,000
SECTION 19.225. — To the Office of Administration	
For the Department of Agriculture	
For the construction of a new comfort station, and other improvements as necessary around the comfort station, located at the Director's Pavilion at the Missouri State Fair	
From General Revenue Fund (0101)	\$258,000
For construction and improvements to the Director's Building and surrounding grounds at the Missouri State Fair	
From General Revenue Fund (0101)	72,549
Total	\$330,549
SECTION 19.230. — To the Office of Administration	
For the Department of Social Services	
For a federally qualified health center in a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, that treats more than 50,000 patients per year, for design and construction of a medical facility that provides health care services and increases patient access, and matching funds must be provided with a 50/50 state/local match rate in order to be eligible for state funds	
From Budget Stabilization Fund (0522)	\$6,500,000
SECTION 19.235. — To the Office of Administration	
For the Missouri State Highway Patrol	
For security and safety improvements at regional highway patrol headquarters	
From Budget Stabilization Fund (0522)	\$800,000
SECTION 19.250. — To the Office of Administration	
For repairs and renovations to the south lawn fountain located on the Capitol Complex	
From Budget Stabilization Fund (0522)	\$1,200,000
SECTION 19.255. — To the Office of Administration	
For construction and renovations to the Joint Committee Hearing Room located on the first floor of the Capitol	
From Budget Stabilization Fund (0522)	\$1,000,000

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

SECTION 19.260. — To the Office of Administration
 For the replacement of the Senate Chamber carpet
 From Budget Stabilization Fund (0522)..... \$376,000

SECTION 19.265. — To the Office of Administration
 For the replacement of the House Chamber carpet
 From Budget Stabilization Fund (0522)..... \$576,000

SECTION 19.270. — To the Office of Administration
 For the repair and refurbishment of the Capitol building plumbing
 From Budget Stabilization Fund (0522)..... \$4,200,000

SECTION 19.275. — To the Office of Administration
 For the repair and renovation of the bronze doors located in the Capitol building
 From Budget Stabilization Fund (0522)..... \$400,000

SECTION 19.280. — To the Office of Administration
 For the repair and renovation of plaster paint areas located in the House of
 Representatives
 From Budget Stabilization Fund (0522)..... \$100,000

SECTION 19.285. — To the Office of Administration
 For the repair and renovation of plaster paint areas located in the Senate
 From Budget Stabilization Fund (0522)..... \$100,000

SECTION 19.290. — To the Office of Administration
 For the repair and renovations to the House Gallery
 From Budget Stabilization Fund (0522)..... \$387,000

SECTION 19.295. — To the Office of Administration
 For repairs and renovations of the Legislative Library
 From Budget Stabilization Fund (0522)..... \$837,000

***SECTION 19.300.** — To the Office of Administration
 For design and construction of a center for rural health innovation located in a
 city of the third classification with more than eleven thousand five hundred
 but fewer than thirteen thousand inhabitants and located in any county of the
 third classification without a township form of government and with more
 than twenty-three thousand but fewer than twenty-six thousand inhabitants,
 provided that matching funds must be provided with a 50/50 state/local
 match rate in order to be eligible for state funds
 From Budget Stabilization Fund (0522)..... \$2,000,000

*I hereby veto \$2,000,000 Budget Stabilization funds for design and construction of a center for Rural Health Innovation. This funding was not part of my recommendations and includes program and administration costs, which are inappropriate under a capital improvements appropriation bill.

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 Matter in bold-face type is proposed language.

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

MICHAEL L. PARSON
GOVERNOR

SECTION 19.305. — To the Department of Elementary and Secondary
Education

For the design, renovation, construction, and improvements of vocational
technical schools. Local matching funds must be provided on a 50/50
state/local match rate in order to be eligible for state funds

For vocational education facilities in Dallas County

From Budget Stabilization Fund (0522) \$400,000

SECTION 19.307. — To Missouri State University

For design, renovation, construction, and improvements of vocational education
facility in West Plains. Local matching funds must be provided on a 50/50
state/local match rate in order to be eligible for state funds

From Budget Stabilization Fund (0522) \$1,000,000

SECTION 19.310. — To the University of Missouri

For Fisher Delta Research Center

For planning, design, and construction of greenhouses

From Budget Stabilization Fund (0522) \$1,000,000

SECTION 19.315. — To North Central Missouri College

For the planning, design, and construction of facilities to create a satellite
campus in a city of the fourth classification with more than five thousand but
fewer than six thousand inhabitants and located in any county of the third
classification without a township form of government and with more than
sixteen thousand but fewer than eighteen thousand inhabitants

From Budget Stabilization Fund (0522) \$4,000,000

SECTION 19.320. — To Missouri Western State University

For various exterior and infrastructure repairs on campus

From Budget Stabilization Fund (0522) \$2,500,000

SECTION 19.325. — To the University of Central Missouri

For the planning, design, and construction of an aviation education center at the
Max B. Swisher Skyhaven university owned airport

From Budget Stabilization Fund (0522) \$1,000,000

SECTION 19.330. — To Ozark Technical Community College

For the planning, design, and construction of an advanced manufacturing center

From Budget Stabilization Fund (0522) \$5,000,000

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SECTION 19.335. — To the University of Missouri	
For the planning, design, and construction of an advanced manufacturing building on the Rolla campus	
From Budget Stabilization Fund (0522).....	\$5,000,000
 SECTION 19.340. — To State Fair Community College	
For the planning, design, and construction of the Olen Howard Workforce Development Center, provided that local matching funds be provided on a 50/50 state/local match rate in order to be eligible for state funds	
From Budget Stabilization Fund (0522).....	\$2,000,000
 SECTION 19.345. — To the Office of Administration	
For a non-profit agency designated as the primary economic development arm of a home rule city with more than four hundred thousand inhabitants and located in more than one county, for the renovation, maintenance, and repair of historic structures owned and located within said city	
From Budget Stabilization Fund (0522).....	\$1,500,000
 SECTION 19.350. — To the Office of Administration	
For repair and renovations of a workforce development site in a city not within a county that is operated by a century old organization that annually serves over 100,000 clients regionally and that advocated and empowers African Americans throughout the region to secure economic self-reliance, social equality and civil rights through economic opportunity, educational excellence, community empowerment, and civil rights and advocacy	
From Budget Stabilization Fund (0522).....	\$3,500,000
 SECTION 19.355. — To the Office of Administration	
For a feasibility study of conversion of the current Buck O'Neil vehicle bridge to a pedestrian and bikeway path, conducted jointly by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants	
From Budget Stabilization Fund (0522).....	\$300,000
 SECTION 19.360. — To the Office of Administration	
For a pedestrian bridge located near the Missouri River in a home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in a county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants, located in a county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants as the county seat	
From Budget Stabilization Fund (0522).....	\$500,000

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SECTION 19.365. — To the Department of Agriculture
 For the planning, design, construction, and installation of direct current fast
 charging (DCFC) equipment with a minimum of 100 kilowatts, for meter
 for fee electric vehicle charging stations at the State Fair
 From Budget Stabilization Fund (0522) \$200,000

SECTION 19.370. — To the Department of Natural Resources
 For the Division of State Parks
 For the planning, design, construction, and installation of direct current fast
 charging (DCFC) equipment with a minimum of 100 kilowatts, for meter
 for fee electric vehicle charging stations
 From Budget Stabilization Fund (0522) \$1,000,000

SECTION 19.375. — To the Department of Natural Resources
 For the Division of State Parks
 For the planning, design, and construction of a pedestrian trail originating at
 Knob Noster State Park
 From Budget Stabilization Fund (0522) \$4,000,000

***SECTION 19.380.** — To the Department of Natural Resources
 For a pedestrian bridge in an unincorporated community in a county of the third
 classification without a township form of government and with more than
 thirty-three thousand but fewer than thirty-seven thousand inhabitants and
 with a city of the fourth classification with more than three thousand but
 fewer than three thousand seven hundred inhabitants as the county seat
 From Budget Stabilization Fund (0522) \$200,000

*I hereby veto \$200,000 Budget Stabilization funds for the Jenkins pedestrian bridge. This funding was not part of my budget recommendations. This is a local responsibility with minimal regional or statewide impact. Other funding mechanisms should be pursued in lieu of state funding for this project.

Said section is vetoed in its entirety from \$200,000 to \$0 from Budget Stabilization Fund.
 From \$200,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 19.385. — To the Department of Natural Resources
 For the Missouri Geological Survey
 For lower Missouri River recovery and flood resiliency to include river system
 and environmental studies and plans, and identifying construction
 improvements; feasibility and construction studies, property acquisition and
 construction; flood forecasting and monitoring products
 From Budget Stabilization Fund (0522) \$5,000,000

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 Matter in bold-face type is proposed language.

***SECTION 19.390.** — To the Department of Economic Development
 For a Community Improvement District located within one mile of Interstate 70,
 located in a home rule city with more than one hundred eight thousand but
 fewer than one hundred sixteen thousand inhabitants
 From Budget Stabilization Fund (0522)..... \$700,000

*I hereby veto \$700,000 Budget Stabilization funds for a Community Improvement District. This funding was not part of my budget recommendations. This is a local project with minimal regional or statewide impact. Other funding mechanisms should be pursued in lieu of state funding for this project.

Said section is vetoed in its entirety from \$700,000 to \$0 from Budget Stabilization Fund.
 From \$700,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 19.395. — To the Adjutant General
 For capital improvements and maintenance and repair to a joint civilian and
 military owned and operated airport located in a home rule city with more
 than seventy-one thousand but fewer than seventy-nine thousand inhabitants
 From Budget Stabilization Fund (0522)..... \$2,500,000

***SECTION 19.400.** — To the Office of Administration
 For a non-profit innovation district located in the city not within the county and
 in a county with a charter form of government and with more than nine
 hundred fifty thousand inhabitants, for street scape improvements and
 associated expenses
 From Budget Stabilization Fund (0522)..... \$1,900,000

*I hereby veto \$1,900,000 Budget Stabilization funds for a non-profit innovation district for street scape improvements and associated expenses. This funding was not part of my budget recommendations. This aspect of the project has minimal regional or statewide impact. Other funding mechanisms should be pursued in lieu of state funding for this project.

Said section is vetoed in its entirety from \$1,900,000 to \$0 from Budget Stabilization Fund.
 From \$1,900,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 19.405. — To the Office of Administration
 For planning, design, and construction, for a 501(c)(3) non-profit organization
 dedicated to preserving and cultivating Southwest Missouri's rich
 agricultural heritage by supporting youth in agriculture of a county of the
 first classification with more than two hundred sixty thousand but fewer than
 three hundred thousand inhabitants, for a new building
 From Budget Stabilization Fund (0522)..... \$5,000,000

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SECTION 19.410. — To the Department of Agriculture
 For the Agriculture Business Development Division
 For the Agriculture and Small Business Development Authority, for biofuel
 infrastructure projects
 From Budget Stabilization Fund (0522) \$2,000,000

SECTION 19.415. — To the Department of Natural Resources
 For the Division of State Parks
 For the planning, design, and construction of ADA accessible restrooms
 associated with Arrow Rock State Park
 From Budget Stabilization Fund (0522) \$82,000

SECTION 19.420. — To the Office of Administration
 For an arts and entertainment complex located in home rule city with more than
 forty-seven thousand but fewer than fifty-two thousand inhabitants and
 partially located in any county of the first classification with more than one
 hundred fifteen thousand but fewer than one hundred fifty thousand
 inhabitants, provided that matching funds must be provided with a 50/50
 state/local match rate in order to be eligible for state funds
 From Budget Stabilization Fund (0522) \$1,500,000

Bill Totals

General Revenue	\$330,549
Federal Funds.....	185,830,169
Other Funds.....	<u>96,176,927</u>
Total.....	\$282,337,645

Approved June 30, 2021

SCS HCS#2 HB 69

Enacts provisions relating to certain metals, with penalty provisions.

AN ACT to repeal sections 407.292, 407.300, and 570.030, RSMo, and to enact in lieu thereof four new sections relating to certain metals, with penalty provisions.

SECTION

- A Enacting clause.
- 407.292 Precious metals, sale of — definitions — record of transactions, requirements — purchase from minor, requirements — weighing device, use of — applicability to pawnbrokers.
- 407.297 Copper property peddlers — license required (St. Louis City) — definitions — fee, application procedure, revocation.
- 407.300 Certain materials, collectors and dealers to keep register, information required — catalytic converter transaction, limit on location — stolen catalytic converter, purchase of, penalties — exempt transactions.
- 570.030 Stealing — penalties.

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

SECTION A. ENACTING CLAUSE. — Sections 407.292, 407.300, and 570.030, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 407.292, 407.297, 407.300, and 570.030, to read as follows:

407.292. PRECIOUS METALS, SALE OF — DEFINITIONS — RECORD OF TRANSACTIONS, REQUIREMENTS — PURCHASE FROM MINOR, REQUIREMENTS — WEIGHING DEVICE, USE OF — APPLICABILITY TO PAWNBROKERS. — 1. As used in this section, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

- (1) "Business combination", the same meaning as such term is defined in section 351.459;
- (2) "Buyer of gold, silver, or platinum" or "buyer", an individual, partnership, association, corporation, or business entity, who or which purchases gold, silver, or platinum from the general public for resale or refining, or an individual who acts as agent for the individual, partnership, association, corporation, or business entity for the purchases. The term does not include financial institutions licensed under federal or state banking laws, the purchaser of gold, silver, or platinum who purchases from a seller seeking a trade-in or allowance, and the purchaser of gold, silver, or platinum for his or her own use or ownership and not for resale or refining;
- (3) "Gold", items containing or being of gold including, but not limited to, jewelry. The term does not include coins, ingots, or bullion or articles containing less than five percent gold by weight;
- (4) "Platinum", items containing or being of platinum, but shall only include jewelry. The term does not include coins, ingots, bullion, or catalytic converters or articles containing less than five percent platinum by weight;
- (5) "Silver", items containing or being of silver including, but not limited to, jewelry. The term does not include coins, ingots, bullion, or photographic film or articles containing less than five percent silver by weight;
- (6) "Weighing device", shall only include a device that is inspected and approved by the weight and measures program within the department of agriculture.

2. The buyer shall completely, accurately, and legibly record and photograph every transaction on a form provided by and prepared by the buyer. The record of every transaction shall include the following:

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- (1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;
- (2) The name, current address, birth date, sex, and a photograph of the person from whom the material is obtained, if not included or are different from the identification required in subdivision (1) of this subsection;
- (3) The seller shall be required to sign the form on which is recorded the information required by this section;
- (4) An accurate description of the property purchased;
- (5) The time and date of the transaction shall be recorded at the time of the transaction.

Records of transactions shall be maintained by the buyer in gold, silver, or platinum for a period of one year and shall be available for inspection by any law enforcement official of the federal government, state, municipality, or county. No buyer shall accept any premelted gold, silver, or platinum, unless it is part of the design of an item of jewelry. Each item of gold, silver, or platinum purchased by a buyer in gold, silver, or platinum shall be retained in an unaltered condition for ~~five~~ **ten** full ~~working~~ days **that the buyer is open to the public**. It shall be the buyer's duty to inform law enforcement if the buyer has any reason to believe an item purchased may have been obtained illegally by a seller.

3. Records of buyer transactions ~~may~~ **shall** be made available, upon request, to law enforcement officials, governmental entities, and any other concerned entities or persons **at the location where the transaction occurred. The buyer shall not keep law enforcement officials, governmental entities, or any other concerned entities or persons from accessing such records during the buyer's normal business hours.**

4. When a purchase is made from a minor, the written authority of the parent, guardian, or person in loco parentis authorizing the sale shall be attached and maintained with the record of transaction described in subsection 2 of this section.

5. (1) When a weighing device is used to purchase gold, silver, or platinum, there shall be posted, on a conspicuous sign located close to the weighing device, a statement of prices for the gold, silver, or platinum being purchased as a result of the weight determination.

(2) The statement of prices shall include, but not be limited to, the following in terms of the price per troy ounce:

- (a) The price for twenty-four karat, eighteen karat, fourteen karat, and ten karat gold;
- (b) The price for pure silver and sterling silver;
- (c) The price for platinum.

(3) When the weight determination is expressed in metric units, a conversion chart to troy ounces shall be prominently displayed so as to facilitate price comparison. The metric equivalent of a troy ounce is 31.10348 grams.

6. A weighing device used in the purchase of gold, silver, or platinum shall be positioned in such a manner that its indications may be accurately read and the weighing operation observed from a position which may be reasonably assumed by the buyer and the seller. A verbal statement of the result of the weighing shall be made by the person operating the device and recorded on the buyer's record of transaction.

7. The purchase of an item of gold, silver, or platinum by a buyer in gold, silver, or platinum not in accordance with this section shall constitute a violation of this section and the buyer may be subject to a fine not to exceed one thousand dollars.

8. This section shall not apply to a pawnbroker, as defined in section 367.011, or a scrap metal dealer, as provided in sections 407.300 to 407.305.

407.297. COPPER PROPERTY PEDDLERS — LICENSE REQUIRED (ST. LOUIS CITY) — DEFINITIONS — FEE, APPLICATION PROCEDURE, REVOCATION. — 1. Notwithstanding any

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other provision of law to the contrary, no person shall engage in the business of a copper property peddler in a city not within a county without first obtaining a license from the city and complying with the provisions of this section.

2. For the purposes of this section, the following terms shall mean:

(1) "Copper property", any insulated copper wire, copper tubing, copper guttering and downspouts, or any item composed completely of copper;

(2) "Copper property peddler", any person who sells or attempts to sell copper property and who is not either a licensed or certified tradesperson or does not hold a business license issued by the city.

3. The city shall determine the license fee. The license shall expire June thirtieth of each year. Each license shall bear a separate number, the name and address of the licensee, and telephone number of the licensee. The license shall be available only to the person in whose name it is issued and shall not be used by any person other than the original licensee. Any licensee who shall permit his or her license to be used by any other person, and any other person who shall use a license granted to another person, shall each be deemed guilty of a violation of this section.

4. Application for a license under this section shall be made in writing to the city and shall state the name, age, description, and address of the applicant. The application shall include a sworn statement setting forth each and every conviction of the applicant for violations of federal, state, or municipal laws, statutes, or ordinances. In addition, the applicant shall, at his or her expense, obtain a complete copy of the applicant's criminal record as indicated by the records of a law enforcement agency and submit such record as part of the application. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the last twenty-four months prior to the date of the application.

5. The city shall have the power and authority to revoke any license under this section for any willful violation of this section by a copper property peddler, provided the licensee has been notified in writing at his or her place of business of the violations complained of and shall have been afforded a reasonable opportunity to have a hearing.

6. The provisions of this section shall only be effective when the city is actively issuing licenses to copper property peddlers.

407.300. CERTAIN MATERIALS, COLLECTORS AND DEALERS TO KEEP REGISTER, INFORMATION REQUIRED — CATALYTIC CONVERTER TRANSACTION, LIMIT ON LOCATION — STOLEN CATALYTIC CONVERTER, PURCHASE OF, PENALTIES — EXEMPT TRANSACTIONS. —

1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property **who obtains items for resale or profit** shall keep a register containing a written or electronic record for each purchase or trade in which each type of material subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

(4) **Detached** catalytic converter; or

(5) Motor vehicle, heavy equipment, or tractor battery.

2. The record required by this section shall contain the following data:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof **[to]** of the person from whom the material is obtained;

(2) The current address, gender, birth date, and a **color** photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;

- (3) The date, time, and place of the transaction;
- (4) The license plate number of the vehicle used by the seller during the transaction; **and**
- (5) A full description of the material, including the weight and purchase price.

3. The records required under this section shall be maintained for a minimum of ~~twenty-four~~ **thirty-six** months from when such material is obtained and shall be available for inspection by any law enforcement officer.

4. ~~Anyone convicted of violating this section shall be guilty of a class B misdemeanor.~~ **No transaction that includes a detached catalytic converter shall occur at any location other than the fixed place of business of the purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property. No detached catalytic converter shall be altered, modified, disassembled, or destroyed until it has been in the purchaser's, collector's, or dealer's possession for five business days.**

5. **Anyone licensed under section 301.218 who knowingly purchases a stolen detached catalytic converter shall be subject to the following penalties:**

- (1) **For a first violation, a fine in the amount of five thousand dollars;**
- (2) **For a second violation, a fine in the amount of ten thousand dollars; and**
- (3) **For a third violation, revocation of the license for a business described under section 301.218.**

6. This section shall not apply to ~~any~~ **either** of the following transactions:

(1) ~~Any transaction for which the total amount paid for all regulated material purchased or sold does not exceed fifty dollars, unless the material is a catalytic converter;~~

(2) ~~Any transaction for which the seller, including a farm or farmer,~~ **Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business, and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof, and a copy is retained by the purchaser; or**

~~(3)~~ (2) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for **heating and cooling equipment or** equipment used in the generation and transmission of electrical power or telecommunications.

570.030. STEALING — PENALTIES. — 1. A person commits the offense of stealing if he or she:

- (1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
- (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
- (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.

3. The offense of stealing is a class B felony if:

(1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has

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previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or

(5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property.

4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more.

5. The offense of stealing is a class D felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more;

(2) The offender physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft;

(b) Any will or unrecorded deed affecting real property;

(c) Any credit device, debit device or letter of credit;

(d) Any firearms;

(e) Any explosive weapon as defined in section 571.010;

(f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;

(g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;

(h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;

(i) Any book of registration or list of voters required by chapter 115;

(j) Any animal considered livestock as that term is defined in section 144.010;

(k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

(l) Any captive wildlife held under permit issued by the conservation commission;

(m) Any controlled substance as defined by section 195.010;

(n) Ammonium nitrate;

(o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or

(p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.

6. The offense of stealing is a class E felony if:

(1) The property appropriated is an animal; ~~or~~

(2) **The property is a catalytic converter; or**

(3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense.

7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.

9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.

11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.

Approved July 13, 2021

SS SCS HCS HB 85 & 310

Enacts provisions relating to the sole purpose of adding additional protections to the right to bear arms, with penalty provisions and an emergency clause.

AN ACT to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms, with penalty provisions and an emergency clause.

SECTION

- A Enacting clause.
 - 1.410 Citation of law — findings.
 - 1.420 Federal laws deemed infringements of United State and Missouri Constitutions.
 - 1.430 Invalidity of federal laws deemed an infringement.
 - 1.440 Protection of citizens against infringement against right to keep and bear arms.
 - 1.450 Enforcement of federal laws that infringe on right to keep and bear arms prohibited.
 - 1.460 Violations, liability and civil penalty — sovereign immunity not a defense.
 - 1.470 Employment of certain former federal employees prohibited, civil penalty — standing — no sovereign immunity.
 - 1.480 Definitions — acts not deemed violation.
 - 1.485 Severability clause.
 - 1.320 Promotion of responsible gun ownership — condemnation of unlawful transfer or use of firearms in criminal or unlawful activity.
- B Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 1.320, RSMo, is repealed and nine new sections enacted in lieu thereof, to be known as sections 1.410, 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, and 1.485, to read as follows:

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

1.410. CITATION OF LAW — FINDINGS. — 1. Sections 1.410 to 1.485 shall be known and may be cited as the "Second Amendment Preservation Act".

2. The general assembly finds and declares that:

(1) The general assembly of the state of Missouri is firmly resolved to support and defend the Constitution of the United States against every aggression, whether foreign or domestic, and is duty-bound to oppose every infraction of those principles that constitute the basis of the union of the states because only a faithful observance of those principles can secure the union's existence and the public happiness;

(2) Acting through the Constitution of the United States, the people of the several states created the federal government to be their agent in the exercise of a few defined powers, while reserving for the state governments the power to legislate on matters concerning the lives, liberties, and properties of citizens in the ordinary course of affairs;

(3) The limitation of the federal government's power is affirmed under Amendment X of the Constitution of the United States, which defines the total scope of federal powers as being those that have been delegated by the people of the several states to the federal government and all powers not delegated to the federal government in the Constitution of the United States are reserved to the states respectively or the people themselves;

(4) If the federal government assumes powers that the people did not grant it in the Constitution of the United States, its acts are unauthoritative, void, and of no force;

(5) The several states of the United States respect the proper role of the federal government but reject the proposition that such respect requires unlimited submission. If the federal government, created by a compact among the states, were the exclusive or final judge of the extent of the powers granted to it by the states through the Constitution of the United States, the federal government's discretion, and not the Constitution of the United States, would necessarily become the measure of those powers. To the contrary, as in all other cases of compacts among powers having no common judge, each party has an equal right to judge for itself as to whether infractions of the compact have occurred, as well as to determine the mode and measure of redress. Although the several states have granted supremacy to laws and treaties made under the powers granted in the Constitution of the United States, such supremacy does not extend to various federal statutes, executive orders, administrative orders, court orders, rules, regulations, or other actions that collect data or restrict or prohibit the manufacture, ownership, or use of firearms, firearm accessories, or ammunition exclusively within the borders of Missouri; such statutes, executive orders, administrative orders, court orders, rules, regulations, and other actions exceed the powers granted to the federal government except to the extent they are necessary and proper for governing and regulating the United States Armed Forces or for organizing, arming, and disciplining militia forces actively employed in the service of the United States Armed Forces;

(6) The people of the several states have given Congress the power "to regulate commerce with foreign nations, and among the several states", but "regulating commerce" does not include the power to limit citizens' right to keep and bear arms in defense of their families, neighbors, persons, or property nor to dictate what sorts of arms and accessories law-abiding Missourians may buy, sell, exchange, or otherwise possess within the borders of this state;

(7) The people of the several states have also granted Congress the powers "to lay and collect taxes, duties, imports, and excises, to pay the debts, and provide for the common defense and general welfare of the United States" and "to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution of the United States in the government of the United States, or in any department or office thereof". These constitutional provisions merely identify the means by which the federal government may execute its limited powers and shall not be construed to grant unlimited power because to do so would be to destroy

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Matter in bold-face type is proposed language.

the carefully constructed equilibrium between the federal and state governments. Consequently, the general assembly rejects any claim that the taxing and spending powers of Congress may be used to diminish in any way the right of the people to keep and bear arms;

(8) The general assembly finds that the federal excise tax rate on arms and ammunition in effect prior to January 1, 2021, which funds programs under the Wildlife Restoration Act, does not have a chilling effect on the purchase or ownership of such arms and ammunition;

(9) The people of Missouri have vested the general assembly with the authority to regulate the manufacture, possession, exchange, and use of firearms within the borders of this state, subject only to the limits imposed by Amendment II of the Constitution of the United States and the Constitution of Missouri; and

(10) The general assembly of the state of Missouri strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms; the prompt reporting of stolen firearms; and the proper enforcement of all state gun laws. The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity.

1.420. FEDERAL LAWS DEEMED INFRINGEMENTS OF UNITED STATE AND MISSOURI CONSTITUTIONS. — The following federal acts, laws, executive orders, administrative orders, rules, and regulations shall be considered infringements on the people's right to keep and bear arms, as guaranteed by Amendment II of the Constitution of the United States and Article I, Section 23 of the Constitution of Missouri, within the borders of this state including, but not limited to:

(1) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services and that might reasonably be expected to create a chilling effect on the purchase or ownership of those items by law-abiding citizens;

(2) Any registration or tracking of firearms, firearm accessories, or ammunition;

(3) Any registration or tracking of the ownership of firearms, firearm accessories, or ammunition;

(4) Any act forbidding the possession, ownership, use, or transfer of a firearm, firearm accessory, or ammunition by law-abiding citizens; and

(5) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens.

1.430. INVALIDITY OF FEDERAL LAWS DEEMED AN INFRINGEMENT. — All federal acts, laws, executive orders, administrative orders, rules, and regulations, regardless of whether they were enacted before or after the provisions of sections 1.410 to 1.485, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the Constitution of the United States and Article I, Section 23 of the Constitution of Missouri shall be invalid to this state, shall not be recognized by this state, shall be specifically rejected by this state, and shall not be enforced by this state.

1.440. PROTECTION OF CITIZENS AGAINST INFRINGEMENT AGAINST RIGHT TO KEEP AND BEAR ARMS. — It shall be the duty of the courts and law enforcement agencies of this state to protect the rights of law-abiding citizens to keep and bear arms within the borders of this state and to protect these rights from the infringements defined under section 1.420.

1.450. ENFORCEMENT OF FEDERAL LAWS THAT INFRINGE ON RIGHT TO KEEP AND BEAR ARMS PROHIBITED. — No entity or person, including any public officer or employee of this state or any political subdivision of this state, shall have the authority to enforce or attempt to enforce

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any federal acts, laws, executive orders, administrative orders, rules, regulations, statutes, or ordinances infringing on the right to keep and bear arms as described under section 1.420. Nothing in sections 1.410 to 1.480 shall be construed to prohibit Missouri officials from accepting aid from federal officials in an effort to enforce Missouri laws.

1.460. VIOLATIONS, LIABILITY AND CIVIL PENALTY — SOVEREIGN IMMUNITY NOT A DEFENSE. — 1. Any political subdivision or law enforcement agency that employs a law enforcement officer who acts knowingly, as defined under section 562.016, to violate the provisions of section 1.450 or otherwise knowingly deprives a citizen of Missouri of the rights or privileges ensured by Amendment II of the Constitution of the United States or Article I, Section 23 of the Constitution of Missouri while acting under the color of any state or federal law shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress, and subject to a civil penalty of fifty thousand dollars per occurrence. Any person injured under this section shall have standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County with respect to the actions of such individual. The court shall hold a hearing on the motion for temporary restraining order and preliminary injunction within thirty days of service of the petition.

2. In such actions, the court may award the prevailing party, other than the state of Missouri or any political subdivision of the state, reasonable attorney's fees and costs.

3. Sovereign immunity shall not be an affirmative defense in any action pursuant to this section.

1.470. EMPLOYMENT OF CERTAIN FORMER FEDERAL EMPLOYEES PROHIBITED, CIVIL PENALTY — STANDING — NO SOVEREIGN IMMUNITY. — 1. Any political subdivision or law enforcement agency that knowingly employs an individual acting or who previously acted as an official, agent, employee, or deputy of the government of the United States, or otherwise acted under the color of federal law within the borders of this state, who has knowingly, as defined under section 562.016, after the adoption of this section:

(1) Enforced or attempted to enforce any of the infringements identified in section 1.420; or

(2) Given material aid and support to the efforts of another who enforces or attempts to enforce any of the infringements identified in section 1.420;

shall be subject to a civil penalty of fifty thousand dollars per employee hired by the political subdivision or law enforcement agency. Any person residing in a jurisdiction who believes that an individual has taken action that would violate the provisions of this section shall have standing to pursue an action.

2. Any person residing or conducting business in a jurisdiction who believes that an individual has taken action that would violate the provisions of this section shall have standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County with respect to the actions of such individual. The court shall hold a hearing on the motion for a temporary restraining order and preliminary injunction within thirty days of service of the petition.

3. In such actions, the court may award the prevailing party, other than the state of Missouri or any political subdivision of the state, reasonable attorney's fees and costs.

4. Sovereign immunity shall not be an affirmative defense in any action pursuant to this section.

1.480. DEFINITIONS — ACTS NOT DEEMED VIOLATION. — 1. For sections 1.410 to 1.485, the term "law-abiding citizen" shall mean a person who is not otherwise precluded under state law from possessing a firearm and shall not be construed to include anyone who is not legally present in the United States or the state of Missouri.

2. For the purposes of sections 1.410 to 1.480, "material aid and support" shall include voluntarily giving or allowing others to make use of lodging; communications equipment or services, including social media accounts; facilities; weapons; personnel; transportation; clothing; or other physical assets. Material aid and support shall not include giving or allowing the use of medicine or other materials necessary to treat physical injuries, nor shall the term include any assistance provided to help persons escape a serious, present risk of life-threatening injury.

3. It shall not be considered a violation of sections 1.410 to 1.480 to provide material aid to federal officials who are in pursuit of a suspect when there is a demonstrable criminal nexus with another state or country and such suspect is either not a citizen of this state or is not present in this state.

4. It shall not be considered a violation of sections 1.410 to 1.480 to provide material aid to federal prosecution for:

(1) Felony crimes against a person when such prosecution includes weapons violations substantially similar to those found in chapter 570 or chapter 571 so long as such weapons violations are merely ancillary to such prosecution; or

(2) Class A or class B felony violations substantially similar to those found in chapter 579 when such prosecution includes weapons violations substantially similar to those found in chapter 570 or chapter 571 so long as such weapons violations are merely ancillary to such prosecution.

5. The provisions of sections 1.410 to 1.485 shall be applicable to offenses occurring on or after August 28, 2021.

1.485. SEVERABILITY CLAUSE. — If any provision of sections 1.410 to 1.485 or the application thereof to any person or circumstance is held invalid, such determination shall not affect the provisions or applications of sections 1.410 to 1.485 that may be given effect without the invalid provision or application, and the provisions of sections 1.410 to 1.485 are severable.

~~**[1.320. PROMOTION OF RESPONSIBLE GUN OWNERSHIP — CONDEMNATION OF UNLAWFUL TRANSFER OR USE OF FIREARMS IN CRIMINAL OR UNLAWFUL ACTIVITY.** — The general assembly of the state of Missouri strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws. The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity.]~~

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure the limitation of the federal government's power and to protect the citizens' right to bear arms, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved, June 12, 2021

CCS SS#2 SCS HCS HB 271

Enacts provisions relating to local government, with penalty provisions and an emergency clause for certain sections.

AN ACT to repeal sections 49.310, 50.166, 50.327, 50.530, 50.660, 50.783, 59.021, 59.100, 67.398, 67.990, 67.993, 67.1153, 67.1158, 82.390, 84.400, 91.025, 91.450, 115.127, 115.646, 137.280, 139.100, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315, 407.300, 451.040, 476.083, 485.060, 488.2235, and 570.030, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof fifty-one new sections relating to local government, with penalty provisions and an emergency clause for certain sections.

SECTION

- A Enacting clause.
- 37.1090 Definitions.
- 37.1091 Database created, availability on accountability portal and department website.
- 37.1092 Contents of database.
- 37.1093 Record of expenditures — downloadable information.
- 37.1094 Local governments may participate in database, procedure — electronic transmission of data — financial reimbursement, when.
- 37.1095 Public comment.
- 37.1096 Confidential information not to be included in database — state immunity from liability, when.
- 37.1097 Database internet link on local government websites.
- 37.1098 Rulemaking authority.
- 49.266 County commission by orders or ordinance may regulate use of county property, traffic, and parking — burn bans.
- 49.266 County commission by orders or ordinance may regulate use of county property, traffic, and parking — burn bans.
- 49.310 County commission to erect and maintain courthouses, jails — issue bonds — certain counties authorized to maintain jails outside boundaries of county seat — courthouse with offices and court facilities, special rules.
- 50.166 Clerk may fill in warrant for expenses — form, negotiable instrument — county treasurer access to financially relevant documents.
- 50.327 Base salary schedules for county officials — salary commission responsible for computation of county official salaries, except for charter counties — salary increases, when.
- 50.530 Definitions.
- 50.660 Rules governing contracts.
- 50.783 Waiver of competitive bid requirements, when — rescission of waiver, when — single feasible source purchases — exception for Boone and Greene counties.
- 59.021 Qualifications when offices of clerk of the court and recorder of deeds are separate.
- 59.100 Bond.
- 64.207 Property maintenance code for habitability of rented residences — requirements — authority of county commission, limitations. (Boone County)
- 67.265 Public health order for threat to public health by contagious disease, requirements, procedure.

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

- 67.398 Debris on property, ordinance may require abatement — abatement for vacant building in Kansas City — notice to owner — effect of failure to remove nuisance, penalties.
- 67.990 Senior citizens' services fund tax, election, ballot, levy and collection of, limitation.
- 67.993 Fund established, when — board of directors, appointment, members, terms, vacancies, officers — duties — use of fund moneys — powers.
- 67.1153 Authority to consist of five commissioners, qualifications, appointment, chairman, elected from members, staff — quorum required for action — terms, expenses.
- 67.1158 Tax on transient guests in hotels and motels may be established — rate — purpose and use — ballot form, collection options, delinquency, interest and penalty — audit authorized — suits to enforce.
- 67.1847 Fiber networks in right-of-way, no fee for use of — exceptions.
- 67.2680 Satellite or streaming video services, no new tax, license, or fee.
- 71.1000 Districts authorized — ballot form — powers — sales tax, ballot form — board, members, officers, by laws — additional district members, ballot form — dissolution.
- 82.390 Compensation of license collector — appointment of deputies and employees (St. Louis City).
- 84.400 Police commissioners, members of force — forfeiture of office, when — service on boards, commissions, or task forces permitted, when.
- 91.025 Definitions — continuation of existing electrical service — change of supplier — commission jurisdiction — new structure built, effect of.
- 91.450 Certain cities may own public utilities — how acquired — board of public works.
- 115.127 Notice of election, how, when given — striking names or issues from ballot, requirements — declaration of candidacy, filing date, when, notice requirements — candidate withdrawing, ballot reprinting, cost, how paid.
- 115.646 Public funds expenditure by political subdivision officer or employee, prohibited — personal appearances permitted — violation, penalty.
- 137.280 Failure to deliver list, penalty, exceptions, second notice by assessor required before penalty to apply — assessor to transmit log to fund, when — electronic assessment list or notice.
- 139.100 Collection of penalty for delinquent taxes — payment agreement (St. Louis County) — settlement — penalty for violation — payment of taxes by mail deemed paid, when.
- 192.300 Counties may make additional health rules — fees, deposit in county treasury, purpose — individuals unable to pay not to be denied health services — records and publication — violation a misdemeanor.
- 204.569 Board of trustees, powers in unincorporated sewer subdistrict — additional powers.
- 221.105 Boarding of prisoners — amount expended, how fixed, how paid, limit — reimbursement by state, when.
- 386.800 Municipally owned electrical supplier, services outside boundaries prohibited, exceptions — annexation — negotiations, territorial agreements, regulations, procedure — fair and reasonable compensation defined — assignment of sole service territories — commission jurisdiction — rural electric cooperatives, service within municipality, when.
- 393.106 Definitions — electric power suppliers exclusive right to serve structures, exception — change of suppliers, procedure — purchase of auxiliary power — permanent service supplied to nonrural area, when.
- 394.020 Definitions.

- 394.315 Definitions — rural electric cooperative exclusive right to serve structures, exception — change of suppliers, procedure — new structure built, effect of.
- 407.297 Copper property peddlers — license required (St. Louis City) — definitions — fee, application procedure, revocation.
- 407.300 Certain materials, collectors and dealers to keep register, information required — catalytic converter transaction, limit on location — stolen catalytic converter, purchase of, penalties — exempt transactions.
- 451.040 Marriage license required, waiting period — presence not required, when — application, contents — license void when — common law of marriages void — lack of authority to perform marriage, effect — online applications, procedure.
- 476.083 Circuit court marshal may be appointed in certain circuits, powers and duties, salary, qualifications.
- 485.060 Compensation of reporters.
- 488.2235 Kansas City, additional surcharge for municipal courthouses.
- 570.030 Stealing — penalties.
 - 1 COVID-19 vaccinations, political subdivisions prohibiting from requiring documentation for use of transportation systems and public accommodations.
 - B Emergency clause.

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

SECTION A. ENACTING CLAUSE.— Sections 49.310, 50.166, 50.327, 50.530, 50.660, 50.783, 59.021, 59.100, 67.398, 67.990, 67.993, 67.1153, 67.1158, 82.390, 84.400, 91.025, 91.450, 115.127, 115.646, 137.280, 139.100, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315, 407.300, 451.040, 476.083, 485.060, 488.2235, and 570.030, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, are repealed and fifty-one new sections enacted in lieu thereof, to be known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, 37.1098, 49.266, 49.310, 50.166, 50.327, 50.530, 50.660, 50.783, 59.021, 59.100, 64.207, 67.265, 67.398, 67.990, 67.993, 67.1153, 67.1158, 67.1847, 67.2680, 71.1000, 82.390, 84.400, 91.025, 91.450, 115.127, 115.646, 137.280, 139.100, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315, 407.297, 407.300, 451.040, 476.083, 485.060, 488.2235, 570.030, and 1, to read as follows:

37.1090. DEFINITIONS.— As used in sections 37.1090 to 37.1098, the following terms mean:

(1) "Expenditure", any monetary payment from a municipality or county to any vendor including, but not limited to, a payment, distribution, loan, advance, reimbursement, deposit, or gift;

(2) "Municipality", a city, town, or village that is incorporated in accordance with the laws of this state;

(3) "State entity", the general assembly; the supreme court of Missouri; the office of an elected state official; or an agency, board, commission, department, institution, instrumentality, office, or other governmental entity of this state, excluding municipalities, counties, institutions of higher education, and any public employee retirement system;

(4) "Vendor", any person, partnership, corporation, association, organization, state entity, or other party that:

(a) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to a municipality or county; or

(b) Receives reimbursement from a municipality or county for any expense.

37.1091. DATABASE CREATED, AVAILABILITY ON ACCOUNTABILITY PORTAL AND DEPARTMENT WEBSITE. — The "Missouri Local Government Expenditure Database" is hereby created and shall be maintained on the Missouri accountability portal, established under section 37.850, by the office of administration. The database shall be available on the office of administration website and shall include information about expenditures made during each fiscal year that begins after December 31, 2022. The database shall be publicly accessible without charge.

37.1092. CONTENTS OF DATABASE. — For each expenditure, the Missouri local government expenditure database shall include the following information:

- (1) The amount of the expenditure;
- (2) The date the expenditure was paid;
- (3) The vendor to whom the expenditure was paid, unless the disclosure of the vendor's name would violate a confidentiality requirement, in which case the vendor may be listed as confidential;
- (4) The purpose of the expenditure; and
- (5) The municipality or county that made the expenditure or requested the expenditure be made.

37.1093. RECORD OF EXPENDITURES — DOWNLOADABLE INFORMATION. — The Missouri local government expenditure database shall provide:

- (1) A record of all expenditures; and
- (2) The ability to download information.

37.1094. LOCAL GOVERNMENTS MAY PARTICIPATE IN DATABASE, PROCEDURE — ELECTRONIC TRANSMISSION OF DATA — FINANCIAL REIMBURSEMENT, WHEN. — 1. A municipality or county may choose to voluntarily participate in the Missouri local government expenditure database, or, if a requisite number of residents of a municipality or county request the municipality or county to participate, such jurisdiction shall participate in the Missouri local government expenditure database. The requisite number of residents requesting participation shall be five percent of the registered voters of such jurisdiction voting in the last general municipal election, as described under section 115.121, but in no case shall the requisite number be fewer than fifty residents. Residents may request participation by submitting a written letter by certified mail to the governing body of the municipality or county and the office of administration. Multiple residents may sign one letter, but the number of requests from residents shall include all requests from all letters received. Upon receiving such a letter, the municipality or county shall acknowledge receipt thereof to the resident and the office of administration within thirty days. After receiving the requisite number of requests, the municipality or county shall begin participating in the database but shall not be required to report expenditures incurred before one complete six-month reporting period described under subsection 2 of this section has elapsed.

2. Each municipality or county participating in the database shall provide electronically transmitted information to the office of administration, in a format the office requires, for inclusion in the Missouri local government expenditure database regarding each of the municipality's or county's expenditures biannually. Information regarding the first half of the calendar year shall be submitted before July thirty-first of such year. Information regarding the second half of the calendar year shall be submitted before January thirty-first of the year immediately following such year.

3. Notwithstanding subsection 1 of this section, no submission shall be required for any expenditures incurred before January 1, 2023.

4. The office of administration shall provide each municipality and county participating in the database with a template, in the format described under section 37.1092, for the purpose of uploading the data. The office of administration shall have the authority to grant the municipality or county access for the purpose of uploading data.

5. Upon appropriation, the office of administration shall provide financial reimbursement to any participating municipality or county for actual expenditures incurred for participating in the database.

37.1095. PUBLIC COMMENT. — No later than one year after the Missouri local government expenditure database is implemented, the office of administration shall provide, on the office of administration website, an opportunity for public comment on the utility of the database.

37.1096. CONFIDENTIAL INFORMATION NOT TO BE INCLUDED IN DATABASE — STATE IMMUNITY FROM LIABILITY, WHEN. — The Missouri local government expenditure database shall not include any confidential information or any information that is not a public record under the laws of this state. However, the state shall not be liable for the disclosure of a record in the Missouri local government expenditure database that is confidential information or is not a public record under the laws of this state.

37.1097. DATABASE INTERNET LINK ON LOCAL GOVERNMENT WEBSITES. — Each municipality or county that has a website shall display on its website a prominent internet link to the Missouri local government expenditure database.

37.1098. RULEMAKING AUTHORITY. — The office of administration may adopt rules to implement the provisions of sections 37.1090 to 37.1098. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

49.266. COUNTY COMMISSION BY ORDERS OR ORDINANCE MAY REGULATE USE OF COUNTY PROPERTY, TRAFFIC, AND PARKING — BURN BANS. — 1. The county commission in all ~~noncharter~~ counties of the first, second, third, or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. Violation of any regulation so adopted under subsection 1 of this section is an infraction.

3. Upon a determination by the state fire marshal that a burn ban order is appropriate for a county because:

(1) An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and

(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices

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Matter in bold-face type is proposed language.

shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

~~**49.266. COUNTY COMMISSION BY ORDERS OR ORDINANCE MAY REGULATE USE OF COUNTY PROPERTY, TRAFFIC, AND PARKING — BURN BANS.** — 1. The county commission in all counties of the first, second or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.~~

~~2. Violation of any regulation so adopted under subsection 1 of this section is an infraction.~~

~~3. Upon a determination by the state fire marshal that a burn ban order is appropriate for a county because:~~

~~(1) An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and~~

~~(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other consumer fireworks as the term "consumer fireworks" is defined under section 320.106.~~

~~4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.]~~

49.310. COUNTY COMMISSION TO ERECT AND MAINTAIN COURTHOUSES, JAILS — ISSUE BONDS — CERTAIN COUNTIES AUTHORIZED TO MAINTAIN JAILS OUTSIDE BOUNDARIES OF COUNTY SEAT — COURTHOUSE WITH OFFICES AND COURT FACILITIES, SPECIAL RULES. — 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot

question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the fourth classification and any county of the third, second, or first classification may provide for the erection and maintenance of a good and sufficient jail or holding cell facility at a site in the county other than at the established seat of justice.

3. In the absence of a local agreement otherwise, for any courthouse that contains both county offices and court facilities, the presiding judge of the circuit may establish rules and procedures for court facilities and areas necessary for court-related ingress, court-related egress and other reasonable court-related usage, but the county commission shall have authority over all other areas of the courthouse.

50.166. CLERK MAY FILL IN WARRANT FOR EXPENSES — FORM, NEGOTIABLE INSTRUMENT — COUNTY TREASURER ACCESS TO FINANCIALLY RELEVANT DOCUMENTS. —

1. In all cases of claims allowed against the county, and in all cases of grants, salaries, pay and expenses allowed by law, the county clerk may fill in on a form of warrant the amount due as approved by the county commission and other necessary information. The form of the warrant thus filled in by the county clerk may be transmitted to the county treasurer. The warrant may be in such form that a single instrument may serve as the warrant and the county treasurer's draft or check, and may be so designed that it is a nonnegotiable warrant when signed by the county clerk and becomes a negotiable check or draft after it has been signed by the county treasurer.

2. Upon request, the county treasurer shall have access to any financially relevant document in the possession of any county official for the purposes of processing a warrant, unless such warrant is received in the absence of a check then the county treasurer shall have access to the information necessary to process the warrant.

3. No official of any county shall refuse a request from the county treasurer for access to or a copy of any document in the possession of a county official that is financially relevant to his or her duties under section 50.330, except that any county official may redact, remove, or delete any personal identifying information, including a Social Security number, financial account numbers, medical information, or any other personal identifying information, before submission to the county treasurer.

4. No county treasurer shall refuse to release funds for the payment of any properly approved expenditure.

50.327. BASE SALARY SCHEDULES FOR COUNTY OFFICIALS — SALARY COMMISSION RESPONSIBLE FOR COMPUTATION OF COUNTY OFFICIAL SALARIES, EXCEPT FOR CHARTER COUNTIES — SALARY INCREASES, WHEN. —

1. Notwithstanding any other provisions of law to the contrary, the salary schedules contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, 57.317, 58.095, and 473.742 shall be set as a base schedule for those county officials. Except when it is necessary to increase newly elected or reelected county officials' salaries, in accordance with Section 13, Article VII, Constitution of Missouri, to comply with the requirements of this section, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.

2. Upon majority approval of the salary commission, the annual compensation of part-time prosecutors contained in section 56.265 and the county offices contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742 may be increased by up to two thousand dollars greater than the compensation provided by the salary schedules; provided, however, that any vote to increase compensation be effective for all county offices in that county.

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3. Upon majority approval of the salary commission, the annual compensation of a county sheriff as provided in section 57.317 may be increased by up to six thousand dollars greater than the compensation provided by the salary schedule of such section.

4. The salary commission of any county of the third classification may amend the base schedules for the computation of salaries for county officials referenced in subsection 1 of this section to include assessed valuation factors in excess of three hundred million dollars; provided that the percentage of any adjustments in assessed valuation factors shall be equal for all such officials in that county.

5. Upon the majority approval of the salary commission, the annual compensation of a county coroner of any county of the second classification as provided in section 58.095 may be increased up to fourteen thousand dollars greater than the compensation provided by the salary schedule of such section.

50.530. DEFINITIONS. — As used in sections 50.530 to 50.745:

(1) "Accounting officer" means county auditor in counties of the first and second classifications and the county clerks in counties of the third and fourth classifications;

(2) "Budget officer" means such person, as may, from time to time, be appointed by the county commission of counties of the first classification except in counties of the first classification with a population of less than one hundred thousand inhabitants according to the official United States Census of 1970 the county auditor shall be the chief budget officer, the presiding commissioner of the county commission in counties of the second classification, unless the county commission designates the county clerk as budget officer, and the county clerk in counties of the third and fourth classification. ~~[Notwithstanding the provisions of this subdivision to the contrary, in any county of the first classification with more than eighty two thousand but fewer than eighty two thousand one hundred inhabitants, the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.]~~

50.660. RULES GOVERNING CONTRACTS. — All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than ~~[six]~~ **twelve** thousand dollars. It is not necessary to obtain bids on any purchase in the amount of ~~[six]~~ **twelve** thousand dollars or less made from any one person, firm or corporation during any period of ninety days. All bids for any contract or purchase may be rejected and new bids advertised for. Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in

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the quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer, as herein provided; but all orders for supplies, materials, equipment or services other than personal shall bear the certification. In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.

50.783. WAIVER OF COMPETITIVE BID REQUIREMENTS, WHEN — RESCISSION OF WAIVER, WHEN — SINGLE FEASIBLE SOURCE PURCHASES — EXCEPTION FOR BOONE AND GREENE COUNTIES. — 1. The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

- (1) Supplies are proprietary and only available from the manufacturer or a single distributor; or
- (2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
- (3) Supplies are available at a discount from a single distributor for a limited period of time.

2. On any single feasible source purchase where the estimated expenditure is over ~~[six]~~ **twelve** thousand dollars, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure is over ~~[six]~~ **twelve** thousand dollars, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

59.021. QUALIFICATIONS WHEN OFFICES OF CLERK OF THE COURT AND RECORDER OF DEEDS ARE SEPARATE. — A candidate for county recorder where the offices of the clerk of the court and recorder of deeds are separate, except in any city not within a county or any county having a charter form of government, shall be at least twenty-one years of age, a registered voter, and a resident of the state of Missouri as well as the county in which he or she is a candidate for at least one year prior to the date of the general election. Upon election to office, the person shall continue to reside in that county during his or her tenure in office. **Each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is able to satisfy the bond requirements under section 59.100.**

59.100. BOND. — 1. Every recorder elected as provided in section 59.020, before entering upon the duties of the office as recorder, shall enter into bond to the state, in a sum set by the county commission ~~[of not less than one thousand dollars]~~, with sufficient sureties, not less than two, to be approved by the commission, conditioned for the faithful performance of the duties enjoined on such person by law as recorder, and for the delivering up of the records, books, papers, writings, seals, furniture and apparatus belonging to the office, whole, safe and undefaced, to such officer's successor.

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2. For a recorder elected after December 31, 2021, the bond shall be no less than five thousand dollars. For a recorder elected before January 1, 2022, the bond shall be no less than one thousand dollars.

64.207. PROPERTY MAINTENANCE CODE FOR HABITABILITY OF RENTED RESIDENCES — REQUIREMENTS — AUTHORITY OF COUNTY COMMISSION, LIMITATIONS. (BOONE COUNTY)
 — 1. The county commission of any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants may adopt rules, regulations, or ordinances to ensure the habitability of rented residences.

2. The rules, regulations, or ordinances shall require each rented residence provide:

- (1) Structural protection from the elements;
- (2) Access to water service, including hot water;
- (3) Sewer service;
- (4) Access to electrical service;
- (5) Heat to the residence; and
- (6) Basic security, which, at a minimum, shall include locking doors and windows.

If a utility service is unavailable because a tenant fails to pay for service, the unavailability shall not be a violation of the rules, regulations, or ordinances.

3. If a county elects to enact rules, regulations, or ordinances under this section, at a minimum, they shall contain the following provisions:

(1) (a) The county commission shall create a process for selecting a designated officer to respond to written complaints of the condition of a rented residence that threatens the health or safety of tenants;

(b) Any written complaint under this section shall be submitted by a tenant who is a lawful tenant who has signed a lease agreement with the property owner or his or her agent, and which tenant is current on all rent due;

(2) The owner of record of any rented residence against which a written complaint has been submitted shall be served with adequate notice. The notice shall specify the condition alleged in the complaint and state a reasonable date that abatement of the condition shall commence. Notice shall be served by personal service or certified mail, return receipt requested, or, if those methods are unsuccessful, by publication;

(3) The owner of record and any other person who has an interest in the rented residence shall be parties in a hearing under subdivision (4) of this subsection;

(4) If work to abate the condition does not commence by the date stated in the notice or if the work does not proceed continuously and without unnecessary delay, as determined by the designated officer, the complaint shall be given a hearing before the county commission. Parties shall be given at least ten days' notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. If the county commission finds that the rented residence has a dangerous condition that is detrimental to the health, safety, or welfare of the tenant, the county commission shall issue an order that the condition be abated. The order shall state specific facts, based on competent and substantiated evidence, that support its finding. If the county commission finds that the rented residence does not have a dangerous condition that is detrimental to the health, safety, or welfare of the tenant, the county commission shall not issue an order; and

(5) Any violation of the order issued by the county commission may be punished by a penalty, which shall not exceed a class C misdemeanor. Each day a violation continues shall be deemed a separate violation. Any penalty enacted in the rules, regulations, or ordinances shall not be the exclusive punishment for the condition. The designated officer may, in his or her own name or

in the name of the county, seek and obtain any judicial relief provided under equity or law including, but not limited to, civil fines authorized under section 49.272, declaratory relief, and injunctive relief. The designated officer may declare the continued occupancy of the rented residence unlawful while the condition or conditions remain unabated.

4. The county commission shall only have the authority to respond to written complaints submitted to the county commission and shall not have the authority to:

- (1) Charge any fee for any action authorized under this section;
- (2) Perform any inspection of rented residences unless in response to a written complaint; or
- (3) Require licensing, registration, or certification of a rented residence on a regular schedule or before offering a residence for rent.

67.265. PUBLIC HEALTH ORDER FOR THREAT TO PUBLIC HEALTH BY CONTAGIOUS DISEASE, REQUIREMENTS, PROCEDURE. — 1. For purposes of this section, the term "order" shall mean a public health order, ordinance, rule, or regulation issued by a political subdivision, including by a health officer, local public health agency, public health authority, or the political subdivision's executive, as such term is defined in section 67.750, in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease. Notwithstanding any other provision of law to the contrary:

(1) Any order issued during and related to an emergency declared pursuant to chapter 44 that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more business organizations, churches, schools, or other places of public or private gathering or assembly, including any order, ordinance, rule, or regulation of general applicability or that prohibits or otherwise limits attendance at any public or private gatherings, shall not remain in effect for longer than thirty calendar days in a one hundred eighty-day period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall automatically expire at the end of the thirty days or as specified in the order, whichever is shorter, unless so authorized by a simple majority vote of the political subdivision's governing body to extend such order or approve a similar order; provided that such extension or approval of similar orders shall not exceed thirty calendar days in duration and any order may be extended more than once; and

(2) Any order of general applicability issued at a time other than an emergency declared pursuant to chapter 44 that directly or indirectly closes an entire classification of business organizations, churches, schools, or other places of public or private gathering or assembly shall not remain in effect for longer than twenty-one calendar days in a one hundred eighty-day period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall automatically expire at the end of the twenty-one days or as specified in the order, whichever is shorter, unless so authorized by a two-thirds majority vote of the political subdivision's governing body to extend such order or approve a similar order; provided that such extension or approval of similar orders may be extended more than once.

2. The governing bodies of the political subdivisions issuing orders under this section shall at all times have the authority to terminate an order issued or extended under this section upon a simple majority vote of the body.

3. In the case of local public health agencies created through an agreement by multiple counties under chapter 70, all of the participating counties' governing bodies shall be required to approve or terminate orders in accordance with the provisions of this section.

4. Prior to or concurrent with the issuance or extension of any order under subdivisions (1) and (2) of subsection 1 of this section, the health officer, local public health agency, public health authority, or executive shall provide a report to the governing body containing information supporting the need for such order.

5. No political subdivision of this state shall make or modify any orders that have the effect, directly or indirectly, of a prohibited order under this section.

6. No rule or regulation issued by the department of health and senior services shall authorize a local health official, health officer, local public health agency, or public health authority to create or enforce any order, ordinance, rule, or regulation described in section 192.300 or this section that is inconsistent with the provisions of this section.

67.398. DEBRIS ON PROPERTY, ORDINANCE MAY REQUIRE ABATEMENT — ABATEMENT FOR VACANT BUILDING IN KANSAS CITY — NOTICE TO OWNER — EFFECT OF FAILURE TO REMOVE NUISANCE, PENALTIES. — 1. The governing body of any city or village, or any county having a charter form of government, or any county of the first classification that contains part of a city with a population of at least three hundred thousand inhabitants, **or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants**, may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe and declared to be a public nuisance.

2. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances for the abatement of a condition of any lot or land that has vacant buildings or structures open to entry.

3. Any ordinance authorized by this section shall provide for service to the owner of the property and, if the property is not owner-occupied, to any occupant of the property of a written notice specifically describing each condition of the lot or land declared to be a public nuisance, and which notice shall identify what action will remedy the public nuisance. Unless a condition presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten days, in which to abate or commence removal of each condition identified in the notice. Written notice may be given by personal service or by first-class mail to both the occupant of the property at the property address and the owner at the last known address of the owner, if not the same. Upon a failure of the owner to pursue the removal or abatement of such nuisance without unnecessary delay, the building commissioner or designated officer may cause the condition which constitutes the nuisance to be removed or abated. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal or abatement and the proof of notice to the owner of the property shall be certified to the city clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.

67.990. SENIOR CITIZENS' SERVICES FUND TAX, ELECTION, BALLOT, LEVY AND COLLECTION OF, LIMITATION. — 1. The governing body of any county or city not within a county may, upon approval of a majority of the qualified voters of such county or city voting thereon, levy and collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six

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thousand inhabitants, the governing body may, upon approval of a majority of the qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per one hundred dollars of assessed valuation upon all taxable property within the county or city or for the purpose of providing services to persons sixty years of age or older. The tax so levied shall be collected along with other county or city taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund for the provision of services for persons sixty years of age or older, and shall be used for no other purpose except those purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only upon approval of the board of directors established in section 67.993, **if in a county**, and only in accordance with the fund budget approved by the county ~~or city~~ governing body.

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall _____ (name of county/city) levy a tax of _____ cents per each one hundred dollars assessed valuation for the purpose of providing services to persons sixty years of age or older?

YES

NO

67.993. FUND ESTABLISHED, WHEN — BOARD OF DIRECTORS, APPOINTMENT, MEMBERS, TERMS, VACANCIES, OFFICERS — DUTIES — USE OF FUND MONEYS — POWERS. — 1. Upon the approval of the tax authorized by section 67.990 by the voters of the county or city not within a county, the tax so approved shall be imposed upon all taxable property within the county or city and the proceeds therefrom shall be deposited in a special fund, to be known as the "Senior Citizens' Services Fund", which is hereby established within the county or city treasury. No moneys in the senior citizens' services fund shall be spent until the board of directors provided for in subsection 2 of this section has been appointed and has taken office.

2. Upon approval of the tax authorized by section 67.990 by the voters of the county or city, the governing body of the county or the mayor of the city shall appoint a board of directors consisting of seven directors, who shall be selected from the county or city at large and shall, as nearly as practicable, represent the various groups to be served by the board. Each director shall be a resident of the county or city. Each director shall be appointed to serve for a term of four years and until his successor is duly appointed and qualified; except that, of the directors first appointed, one director shall be appointed for a term of one year, two directors shall be appointed for a term of two years, two directors shall be appointed for a term of three years, and two directors shall be appointed for a term of four years. Directors may be reappointed. All vacancies on the board of directors shall be filled for the remainder of the unexpired term by the governing body of the county or mayor of the city. The directors shall not receive any compensation for their services, but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties from the moneys in the senior citizens' services fund.

3. The administrative control and management of the funds in the senior citizens' services fund and all programs to be funded therefrom shall rest solely with the board of directors appointed under subsection 2 of this section~~],~~ except ~~that~~, **in counties**, the budget for the senior citizens' services fund shall be approved by the governing body of the county ~~or city~~ prior to making of any payments from the fund in any fiscal year. The board of directors shall use the funds in the senior citizens' services fund to provide programs which will improve the health, nutrition, and quality of life of persons who are sixty years of age or older. The budget may allocate funds for operational and capital needs to senior-related programs in the county or city in which such property taxes are collected. No funds in the senior citizens' services fund may be used, directly or indirectly, for any political purpose. In providing such services, the board of directors may contract with any person to provide services relating,

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in whole or in part, to the services which the board itself may provide under this section, and for such purpose may expend the tax proceeds derived from the tax authorized by section 67.990.

4. The board of directors shall elect a chairman, vice chairman, and such other officers as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and shall do all other things necessary to carry out the purposes of sections 67.990 to 67.995. A majority of the board of directors shall constitute a quorum.

5. The board of directors, with the approval of the governing body of the county or city, may accept any gift of property or money for the use and benefit of the persons to be served through the programs established and funded under sections 67.990 to 67.995[;] and may sell or exchange any such property so long as such sale or exchange is in the best interests of the programs provided under sections 67.990 to 67.995 and the proceeds from such sale or exchange are used exclusively to fund such programs. **For a city not within a county, the board of directors may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interest of the programs provided by the board and the proceeds are used exclusively to fund such programs.**

67.1153. AUTHORITY TO CONSIST OF FIVE COMMISSIONERS, QUALIFICATIONS, APPOINTMENT, CHAIRMAN, ELECTED FROM MEMBERS, STAFF — QUORUM REQUIRED FOR ACTION — TERMS, EXPENSES. — 1. The authority shall consist of five commissioners, who shall be qualified voters of the state of Missouri and residents of the county in which the authority is created. The commissioners shall be appointed by the ~~[governor with the advice and consent of the senate]~~ **county executive of the county in which the authority is created with the advice and consent of the county legislative body or, if there is no county executive, by the governing body of the county.** No more than three of the commissioners appointed shall be of any one political party, and no elective ~~[or appointed]~~ official of any political subdivision of this state shall be a member of the authority.

2. The authority shall elect from its number a chairman, and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Of the commissioners initially appointed to the authority, one shall serve for two years, one shall serve for three years, one shall serve for four years, one shall serve for five years, and one shall serve for six years. Thereafter, successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each commissioner shall hold office until his successor has been appointed and qualified.

4. The commissioners shall receive no salary for the performance of their duties, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties, to be paid by the authority.

67.1158. TAX ON TRANSIENT GUESTS IN HOTELS AND MOTELS MAY BE ESTABLISHED — RATE — PURPOSE AND USE — BALLOT FORM, COLLECTION OPTIONS, DELINQUENCY, INTEREST AND PENALTY — AUDIT AUTHORIZED — SUITS TO ENFORCE. — 1. The governing body of a county which has established an authority under the provisions of sections 67.1150 to 67.1158 may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county, which shall be more than two percent but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any

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and all taxes imposed by law, and the proceeds of such tax shall be used by the authority solely for funding the construction and operation of convention, visitor and sports facilities, other incidental facilities, and operation of the authority consistent with the provisions of sections 67.1150 to 67.1158. Such tax shall be stated separately from all other charges and taxes.

2. The question shall be submitted in substantially the following form:

Shall the _____ (County) levy a tax of _____ percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the county, the proceeds of which shall be expended for the funding of convention, visitor and sports facilities, other incidental facilities, and the county convention and sports facilities authority?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the county shall have no power to impose the tax authorized by this section unless and until the governing body of the county resubmits the question and such question is approved by a majority of the qualified voters voting thereon.

3. After the effective date of any tax authorized under the provisions of this section, the county ~~[which] that~~ levied the tax may adopt one of the ~~[two]~~ following provisions for the collection and administration of the tax:

(1) The county ~~[which levied the tax]~~ may adopt rules and regulations for the internal collection of such tax by the county officers usually responsible for collection and administration of county taxes; ~~[or]~~

(2) The county may enter into an agreement with the authority for the authority to collect such tax and perform all functions incident to the administration, collection, enforcement, and operation of such tax. The tax authorized by this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the authority; or

(3) The county may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any county enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement and operation of such tax, and shall collect the additional tax authorized under the provisions of this section. The tax authorized by this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not less than one percent nor more than three percent for cost of collection.

4. If a tax is imposed by a county under this section, the ~~[county may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter]~~ **tax for each calendar quarter shall be due on the first day of the next calendar quarter. If any taxes are not paid within thirty days after the due date, the authority collecting the tax may collect, in addition to the amount of the tax due, one percent interest per month on the unpaid taxes and a penalty of two percent per month on the unpaid tax. Any penalty or interest shall be calculated beginning on the original due date. The authority, in its discretion, may abate a portion of the penalty to facilitate the voluntary payment of the tax.**

5. If a tax is imposed by a county under this section, either the county or the authority shall have the power to audit the taxed facilities to ensure compliance with the tax by the facility. During such audit, the taxed facilities shall give access to examine necessary records to ensure compliance.

6. Suits to enforce the collection and payment of the tax against the taxed facilities ~~[may]~~ **shall** be filed and prosecuted **only** by the authority. ~~[If suit is filed,]~~ The authority ~~[may]~~ **shall be entitled** to recover ~~[as damages a reasonable]~~ **costs and** attorney's ~~[fee and costs of suit against the taxed facility]~~ **fees incurred by the authority in collecting the tax.**

67.1847. FIBER NETWORKS IN RIGHT-OF-WAY, NO FEE FOR USE OF — EXCEPTIONS. — A political subdivision, including a grandfathered political subdivision as defined in subdivision (2) of subsection 1 of section 67.1846, shall not charge a linear foot fee for the use of its right-of-way to a telecommunications company, including one engaged in providing fiber networks, as defined in section 386.020; provided, however, that:

(1) A political subdivision that was charging linear foot fees as of May 1, 2021, may collect a fee of no more than five percent of gross telecommunications service revenue in lieu of linear foot fees; and

(2) Such gross revenue fee is in addition to any permit fees imposed to recover actual rights-of-way management costs, as defined in sections 67.1830 and 67.1840.

67.2680. SATELLITE OR STREAMING VIDEO SERVICES, NO NEW TAX, LICENSE, OR FEE. — The state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, upon the provision of satellite or streaming video service.

71.1000. DISTRICTS AUTHORIZED — BALLOT FORM — POWERS — SALES TAX, BALLOT FORM — BOARD, MEMBERS, OFFICERS, BY LAWS — ADDITIONAL DISTRICT MEMBERS, BALLOT FORM — DISSOLUTION. — 1. Two or more municipalities may elect to form a broadband infrastructure improvement district for the delivery of broadband internet service to the residents of such municipality, which district shall be a body politic and corporate.

2. A municipality electing to form a district under this section shall submit to the eligible voters of each such municipality a proposition at a general or special election of such municipality, in substantially the following form:

"Shall the municipality of _____ enter into a broadband infrastructure improvement district to be known as _____?"
 YES NO

3. Additional municipalities may be admitted to the district in the manner provided in subsection 8 of this section.

4. A district created under this section shall have the power to partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms "telecommunications company" and "telecommunications facilities" are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450, to the residents of the district. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development.

5. A district may finance the provision or expansion of broadband internet service through grants, loans, bonds, user fees, or a tax as set forth in subsection 6 of this section.

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6. (1) Any district may impose by resolution a sales tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525. The sales tax imposed pursuant to this subsection shall not exceed one percent, except that such tax shall not become effective unless the governing body of each municipality member of the district submits to the voters of such municipality at an election held on the first Tuesday after the first Monday in November of even-numbered years, a proposal to authorize the district to impose a tax under the provisions of this subsection. The tax authorized by this subsection shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used solely to provide broadband service to residents of the district. Such tax shall be stated separately from all other charges and taxes.

(2) The ballot shall be substantially in the following form:

"Shall the _____ (insert name of district) impose a district-wide sales tax at the rate of _____ (insert amount) for the purpose of providing broadband service to residents of the district?"

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES".

If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon in each municipality are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon in any one municipality are opposed to the question, then the governing body for the district shall have no power to impose the tax authorized by this subsection.

(3) The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087.

7. (1) The district governing board shall be composed of at least one representative from each member, but in no case shall there be less than four representatives.

(2) Annually, on or before the last Monday in April commencing in the year following the effective date of the district's creation, the local governing body of each member shall appoint a representative to the district governing board for three-year terms. The local governing body of a member, by majority vote, may replace its appointed representative at any time.

(3) For the purpose of transacting business, the presence of representatives representing more than fifty percent of district members shall constitute a quorum. Any action adopted by a majority of the votes cast at a meeting of the governing board at which a quorum is present shall be the action of the board.

(4) Each district member's representative shall be entitled to cast one vote.

(5) Unless replaced as provided in subdivision (2) of this subsection, a representative on the governing board shall hold office until his or her successor is duly appointed. Any representative may be reappointed to successive terms without limit.

(6) Any vacancy on the board shall be filled within thirty days after such vacancy occurs by appointment of the local governing body which appointed the representative whose position has become vacant. An appointee to a vacancy shall serve until the expiration of the term of the representative whose position to the appointment was made and may thereafter be reappointed.

(7) Each district member may reimburse its representative to the governing board for expenses as it determines reasonable.

(8) (a) The officers of the district shall be the chair and the vice chair of the board, the clerk of the district, and the treasurer of the district.

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Matter in bold-face type is proposed language.

(b) The chair shall preside at all meetings of the board and shall make and sign all contracts on behalf of the district upon approval by the board. The chair shall perform all duties incident to the position and office.

(c) During the absence of or inability of the chair to render or perform his or her duties or exercise his or her powers, the same shall be performed and exercised by the vice chair and when so acting, the vice chair shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon the chair.

(d) During the absence or inability of the vice chair to render or perform his or her duties or exercise his or her powers, the board shall elect from among its membership an acting vice chair who shall have the powers and be subject to all the responsibilities hereby given or imposed upon the vice chair.

(e) Upon the death, disability, resignation, or removal of the chair or vice chair, the board shall elect a successor to such vacant office until the next annual meeting.

(9) The board shall adopt bylaws for the regulation of its affairs and the conduct of its business.

8. (1) The board may authorize the inclusion of additional district members in the broadband infrastructure improvement district upon such terms and conditions as in the board's sole discretion shall be deemed to be fair, reasonable, and in the best interests of the district.

(2) Prior to applying for admission to a broadband infrastructure improvement district, a municipality electing to join a district shall submit to the eligible voters of the municipality a proposition at a general or special election of such municipality, in substantially the following form:

"Shall the municipality of _____ join the broadband infrastructure improvement district known as _____?"
 YES NO

The local governing body of any nonmember municipality which desires to be admitted to the district shall make application for admission to the board after an affirmative result from such election.

(3) The board shall determine the financial, economic, governance, and operational effects that are likely to occur if such municipality is admitted and thereafter either grant or deny authority for admission of the petitioning municipality. If the board grants such authority, it shall also specify any terms and conditions, including financial obligations, upon which such admission is predicated. Upon resolution of the board, such applicant municipality shall become a district member.

9. A district member may withdraw from the district in the same manner as the vote for admission to the district set forth in subsection 8 of this section.

10. Dissolution of a broadband infrastructure improvement district created pursuant to this section shall follow the procedures established in sections 67.950 and 67.955.

82.390. COMPENSATION OF LICENSE COLLECTOR — APPOINTMENT OF DEPUTIES AND EMPLOYEES (ST. LOUIS CITY). — 1. Beginning January 1, 1998, the license collector of the City of St. Louis shall receive a salary of fifty-eight thousand three hundred dollars per year and beginning January 1, 1999, the license collector of the City of St. Louis shall receive a salary of sixty-four thousand one hundred thirty dollars, payable as provided in section 82.395. Beginning ~~January 1, 2000, the compensation of the license collector of the City of St. Louis~~ **January 1, 2022, the license collector of the City of St. Louis shall receive a salary of one hundred twenty-five thousand dollars per year and such salary** may be annually increased by an amount equal to the annual salary adjustment for employees of the City of St. Louis as approved by the board of aldermen of such city.

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2. The license collector may appoint one chief deputy, and one assistant deputy license collector, either of whom, in the absence for any cause of the license collector, may perform all the duties of the license collector. The license collector may appoint a cashier, an assistant cashier, a secretary and such other clerks, account clerks and inspectors as are required by the license collector to properly and efficiently perform the duties of the license collector's office when such positions are approved by the board of aldermen of such city.

3. The salaries and compensation of the employees enumerated in subsection 2 of this section shall be payable as provided in section 82.395.

4. The license collector, deputy license collector and clerks may administer oaths in the transaction of the business of the office. The license collector and the license collector's sureties are responsible for the official acts of all employees appointed by the license collector.

84.400. POLICE COMMISSIONERS, MEMBERS OF FORCE — FORFEITURE OF OFFICE, WHEN — SERVICE ON BOARDS, COMMISSIONS, OR TASK FORCES PERMITTED, WHEN. — 1. Any one of said commissioners so appointed or any member of any such police force who, during the term of his office, shall accept any other place of public trust, or emolument, or who shall knowingly receive any nomination for an office elective by the people, and shall fail to decline such nomination publicly within the five days succeeding such nomination or shall become a candidate for the nomination for any office at the hands of any political party, shall be deemed to have thereby forfeited and vacated office as such commissioner or member of such police force.

2. Notwithstanding any provisions of law to the contrary, a member of the board or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member or member of such police force may accept payment of a per diem for attending meetings, or if no per diem is provided, reimbursement from such board, commission, or task force for reasonable and necessary expenses for attending such meetings.

91.025. DEFINITIONS — CONTINUATION OF EXISTING ELECTRICAL SERVICE — CHANGE OF SUPPLIER — COMMISSION JURISDICTION — NEW STRUCTURE BUILT, EFFECT OF. — 1. As used in this section, the following terms mean:

(1) "Municipally owned or operated electric power system", a system for the distribution of electrical power and energy to the inhabitants of a municipality which is owned and operated by the municipality itself, whether operated under authority pursuant to this chapter or under a charter form of government;

(2) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(3) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical corporation, rural electric cooperative, municipally owned or operated electric power system, or joint municipal utility commission. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a municipally owned or operated electrical system, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall

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have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by a customer, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over municipally owned or operated electric systems to accomplish the purpose of this section. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such municipally owned or operated electrical system, and nothing in this section, section 393.106, and section 394.315 shall affect the rights, privileges or duties of any municipality to form or operate municipally owned or operated electrical systems. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred.

3. Notwithstanding the provisions of this section, section 393.106, section 394.080, and section 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

91.450. CERTAIN CITIES MAY OWN PUBLIC UTILITIES — HOW ACQUIRED — BOARD OF PUBLIC WORKS. — Any city of the third or fourth class, and any town or village, and any city now organized or which may hereafter be organized and having a special charter, and which now has or may hereafter have less than thirty thousand inhabitants, shall have power to erect or to acquire, by purchase or otherwise, maintain and operate, waterworks, gas works, electric light and power plant, steam heating plant, or any other device or plant for furnishing light, power or heat, telephone plant or exchange, street railway or any other public transportation, conduit system, public auditorium or convention hall, which are hereby declared public utilities, and such cities, towns or villages are hereby authorized and empowered to provide for the erection or extension of the same by the issue of bonds therefor, and any city, town or village which may own, maintain or operate, and which may hereafter acquire, by purchase or otherwise, and operate, or which may engage in the construction of any of the plants, systems or works mentioned in this section, is hereby authorized and empowered to establish, by ordinance, within such city, town or village, an executive department to be known as "The Board of Public Works", to consist of four persons, electors of said city, town or village, who have resided therein for a period of two years next before their appointment, **or any resident of the county that receives services from such board**, who shall be appointed by the mayor of such city, town or village, and confirmed by the common council in such manner as other appointive officers of such city, town or village are appointed and confirmed. The members of such board shall hold office for a term of four years each, or until their successors are appointed and qualified; provided, that the members of said board shall hold office for a term of four years each, except the first incumbents, as members of said board of public works, who shall be appointed and hold office for the term of one, two, three and four years respectively.

115.127. NOTICE OF ELECTION, HOW, WHEN GIVEN — STRIKING NAMES OR ISSUES FROM BALLOT, REQUIREMENTS — DECLARATION OF CANDIDACY, FILING DATE, WHEN, NOTICE REQUIREMENTS — CANDIDATE WITHDRAWING, BALLOT REPRINTING, COST, HOW PAID. — 1.

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Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493 which are published within the bounds of the area holding the election. If there is only one so-qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order, but in no event shall a candidate or issue be stricken or removed from the ballot less than eight weeks before the date of the election.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493 is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the ~~[sixteenth]~~ **seventeenth** Tuesday prior to the election~~], except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election].~~ If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the ~~[eleventh]~~ **fourteenth** Tuesday prior to the election. The political subdivision or special district calling an election shall, before the ~~[sixteenth]~~ **seventeenth** Tuesday, ~~[or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city,]~~ prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be

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filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification of the notice of election required in subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.

115.646. PUBLIC FUNDS EXPENDITURE BY POLITICAL SUBDIVISION OFFICER OR EMPLOYEE, PROHIBITED — PERSONAL APPEARANCES PERMITTED — VIOLATION, PENALTY. — No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision, **including school districts and charter schools**, to advocate, support, or oppose **the passage or defeat of any ballot measure or the nomination or election of any candidate for public office, or to direct any public funds to, or pay any debts or obligations of, any committee supporting or opposing such ballot measures or candidates.** This section shall not be construed to prohibit any public official of a political subdivision, **including school districts and charter schools**, from making public appearances or from issuing press releases concerning any such ballot measure. **Any purposeful violation of this section shall be punished as a class four election offense.**

137.280. FAILURE TO DELIVER LIST, PENALTY, EXCEPTIONS, SECOND NOTICE BY ASSESSOR REQUIRED BEFORE PENALTY TO APPLY — ASSESSOR TO TRANSMIT LOG TO FUND, WHEN — ELECTRONIC ASSESSMENT LIST OR NOTICE. — 1. Taxpayers' personal property lists, except those of merchants and manufacturers, and except those of railroads, public utilities, pipeline companies or any other person or corporation subject to special statutory requirements, such as chapter 151, who shall return and file their assessments on locally assessed property no later than April first, shall be delivered to the office of the assessor of the county between the first day of January and the first day of March each year and shall be signed and certified by the taxpayer as being a true and complete list or statement of all the taxable tangible personal property. If any person shall fail to deliver the required list to the assessor by the first day of March, the owner of the property which ought to have been listed shall be assessed a penalty added to the tax bill, based on the assessed value of the property that was not reported, as follows:

Assessed Valuation	Penalty
0 - \$1,000	\$15.00
\$1,001 - \$2,000	\$25.00
\$2,001 - \$3,000	\$35.00
\$3,001 - \$4,000	\$45.00
\$4,001 - \$5,000	\$55.00
\$5,001 - \$6,000	\$65.00
\$6,001 - \$7,000	\$75.00
\$7,001 - \$8,000	\$85.00
\$8,001 - \$9,000	\$95.00
\$9,001 and above	\$105.00

The assessor in any county of the first classification without a charter form of government with a population of one hundred thousand or more inhabitants which contains all or part of a city with a

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population of three hundred fifty thousand or more inhabitants shall omit assessing the penalty in any case where he or she is satisfied the neglect is unavoidable and not willful or falls into one of the following categories. The assessor in all other political subdivisions shall omit assessing the penalty in any case where he or she is satisfied the neglect falls into at least one of the following categories:

- (1) The taxpayer is in military service and is outside the state;
- (2) The taxpayer filed timely, but in the wrong county;
- (3) There was a loss of records due to fire or flood;
- (4) The taxpayer can show the list was mailed timely as evidenced by the date of postmark;
- (5) The assessor determines that no form for listing personal property was mailed to the taxpayer for that tax year; or
- (6) The neglect occurred as a direct result of the actions or inactions of the county or its employees or contractors.

2. Between March first and April first, the assessor shall send to each taxpayer who was sent an assessment list for the current tax year, and said list was not returned to the assessor, a second notice that statutes require the assessment list be returned immediately. In the event the taxpayer returns the assessment list to the assessor before May first, the penalty described in subsection 1 of this section shall not apply. If said assessment list is not returned before May first by the taxpayer, the penalty shall apply.

3. It shall be the duty of the county commission and assessor to place on the assessment rolls for the year all personal property discovered in the calendar year which was taxable on January first of that year.

4. If annual waivers exceed forty percent, then by February first of each year, the assessor shall transmit to the county employees' retirement fund an electronic or paper copy of the log maintained under subsection 3 of section 50.1020 for the prior calendar year.

5. An assessor may, upon request of a taxpayer, send any assessment list or notice required by this section to such taxpayer in electronic form.

139.100. COLLECTION OF PENALTY FOR DELINQUENT TAXES — PAYMENT AGREEMENT (ST. LOUIS COUNTY) — SETTLEMENT — PENALTY FOR VIOLATION — PAYMENT OF TAXES BY MAIL DEEMED PAID, WHEN. — 1. (1) If any taxpayer shall fail or neglect to pay to the collector his taxes at the time required by law, then it shall be the duty of the collector, after the first day of January then next ensuing and in the absence of an agreement entered into pursuant to subdivision (2) of this subsection, to collect and account for, as other taxes, an additional tax, as penalty, the amount provided for in section 140.100.

(2) For property tax liabilities incurred on or after January 1, 2020, and on or before December 31, 2020, the collector of any county with a charter form of government and with more than nine hundred fifty thousand inhabitants may enter into an agreement with any taxpayer for the payment of any amount of tax not paid at the time required by law, including a waiver or reduction of penalties and interest on such taxes, provided that any such agreement shall require such taxes to be paid to the collector or postmarked by no later than January 8, 2021.

(3) For any taxpayer that has paid penalties and interest on property tax liabilities not paid at the time required by law, and such penalties and interest are subsequently reduced or waived through an agreement entered into pursuant to subdivision (2) of this subsection, that portion of penalties and interest paid and subsequently reduced or waived may be credited to the taxpayer on such taxpayer's tax liability for the subsequent year. The county may reduce on a pro rata basis any distributions to taxing jurisdictions by the amount of any penalties and interest from late payments from the 2020 tax year that were collected and distributed, but were then subsequently reduced or waived pursuant to subdivision (2) of this subsection.

2. Collectors shall, on the day of their annual settlement with the county governing body, file with governing body a statement, under oath, of the amount so received, and from whom received, and settle

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with the governing body therefor; but, interest shall not be chargeable against persons who are absent from their homes, and engaged in the military service of this state or of the United States. The provisions of this section shall apply to the City of St. Louis, so far as the same relates to the addition of such interest, which, in such city, shall be collected and accounted for by the collector as other taxes, for which he shall receive no compensation.

3. Whenever any collector of the revenue in the state fails or refuses to collect the penalty provided for in this section on state and county taxes, it shall be the duty of the director of revenue and county clerk to charge such collectors with the amount of interest due thereon, as shown by the returns of the county clerk, and such collector shall be liable to the penalties as provided for in section 139.270.

4. For purposes of this section and other provisions of law relating to the timely payment of taxes due on any real or personal property, payments for taxes due on any real or personal property which are delivered by United States mail to the collector, the collector's office, or other officer or office designated by the county or city to receive such payments, of the appropriate county or city, shall be deemed paid as of the postmark date stamped on the envelope or other cover in which such payment is mailed. In the event any payment of taxes due is sent by registered or certified mail, the date of registration or certification shall be deemed the postmark date. No additional tax or penalty shall be imposed under this section on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment or if the postmaster for the jurisdiction where the payment was mailed verifies in writing that the payment was deposited in the United States mail within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment, and was delayed in delivery because of an error by the United States postal service and not because of an error by the taxpayer. In the absence of a postmark, or if the postmark is illegible or otherwise inconclusive, the collector may use the collector's judgment regarding the timeliness of the payment contained therein and shall document such decision.

192.300. COUNTIES MAY MAKE ADDITIONAL HEALTH RULES — FEES, DEPOSIT IN COUNTY TREASURY, PURPOSE — INDIVIDUALS UNABLE TO PAY NOT TO BE DENIED HEALTH SERVICES — RECORDS AND PUBLICATION — VIOLATION A MISDEMEANOR. — 1. The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not:

(1) Be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under chapter 198; or

(2) Impose standards or requirements on an agricultural operation and its appurtenances, as such term is defined in section 537.295, that are inconsistent with, **in addition to, different from,** or more stringent than any provision of this chapter or chapters 260, 640, 643, and 644, or any rule or regulation promulgated under such chapters.

2. The county commissions and the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated.

3. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission or county health board, such commission or county health board shall make and

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enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation.

4. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.

5. Any orders, ordinances, rules, or regulations made and promulgated under the authority in this section shall comply with the provisions of section 67.265.

204.569. BOARD OF TRUSTEES, POWERS IN UNINCORPORATED SEWER SUBDISTRICT — ADDITIONAL POWERS. — When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the question~~[-and]~~ **except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer district located in whole or in part in any county of the first classification without a charter form of government adjacent to a county of the first classification with a charter form of government and a population of at least six hundred thousand and not more than seven hundred fifty thousand, bonds may be issued for such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict in a manner consistent with section 204.370, where "customer", as used in this subdivision, means any political subdivision within the subdistrict that has a service or user agreement with the common sewer district.** The principal and interest of such bonds shall be payable only from the revenues of the subdistrict and not from any revenues of the common sewer district as a whole;

(4) To charge the costs of the common sewer district for operation and maintenance attributable to the subdistrict, plus a proportionate share of the common sewer district's costs of administration to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440;

(5) With prior concurrence of the subdistrict's advisory board, to provide for the treatment and disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located within the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate share of the costs of the common sewer district for operation and maintenance to revenues

of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440.

221.105. BOARDING OF PRISONERS — AMOUNT EXPENDED, HOW FIXED, HOW PAID, LIMIT — REIMBURSEMENT BY STATE, WHEN. — 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

- (1) Until July 1, 1996, seventeen dollars per day per prisoner;
- (2) On and after July 1, 1996, twenty dollars per day per prisoner;
- (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations ~~[- but not less than the amount appropriated in the previous fiscal year].~~

4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of

incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.

386.800. MUNICIPALLY OWNED ELECTRICAL SUPPLIER, SERVICES OUTSIDE BOUNDARIES PROHIBITED, EXCEPTIONS — ANNEXATION — NEGOTIATIONS, TERRITORIAL AGREEMENTS, REGULATIONS, PROCEDURE — FAIR AND REASONABLE COMPENSATION DEFINED — ASSIGNMENT OF SOLE SERVICE TERRITORIES — COMMISSION JURISDICTION — RURAL ELECTRIC COOPERATIVES, SERVICE WITHIN MUNICIPALITY, WHEN. — 1. No municipally owned electric utility may provide electric energy at retail to any structure located outside the municipality's corporate boundaries after July 11, 1991, unless:

(1) The structure was lawfully receiving permanent service from the municipally owned electric utility prior to July 11, 1991; or

(2) The service is provided pursuant to an approved territorial agreement under section 394.312;

or

(3) The service is provided pursuant to lawful municipal annexation and subject to the provisions of this section; or

(4) The structure is located in an area which was previously served by an electrical corporation regulated under chapter 386, and chapter 393, and the electrical corporation's authorized service territory was contiguous to or inclusive of the municipality's previous corporate boundaries, and the electrical corporation's ownership or operating rights within the area were acquired in total by the municipally owned electrical system prior to July 11, 1991. In the event that a municipally owned electric utility in a city with a population of more than one hundred twenty-five thousand located in a county of the first class not having a charter form of government and not adjacent to any other county of the first class desires to serve customers beyond the authorized service territory in an area which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as provided in this subdivision, **in the absence of an approved territorial agreement under section 394.312**, the municipally owned utility shall apply to the public service commission for an order assigning nonexclusive service territories **and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located in or within one mile outside of the boundaries of the proposed expanded service territory**. The proposed service area shall be contiguous to the authorized service territory which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as a condition precedent to the granting of the application. The commission shall have one hundred twenty days from the date of application to grant or deny the requested order. The commission **after a hearing** may grant the order upon a finding that granting of the applicant's request is not detrimental to the public interest. In granting the applicant's request the commission shall give due regard to territories previously granted to **or served by** other electric **service** suppliers **and the wasteful duplication of electric service facilities**.

2. Any municipally owned electric utility may extend, pursuant to lawful annexation, its **electric** service territory to include ~~any structure located within a newly annexed area which has not received permanent service from another supplier within ninety days prior to the effective date of the annexation.~~

~~3.]~~ **areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities with adequate and necessary service capability located in or within one mile outside the boundaries of the area proposed to be annexed, a majority of the existing developers, landowners, or prospective electric customers in the area proposed to be annexed may, anytime within forty-five days prior to the effective date of the annexation, submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations under section 394.312 to determine which electric service supplier is best suited to serve all or portions of the newly annexed area. In such negotiations the following factors shall be considered, at a minimum:**

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- (1) The preference of landowners and prospective electric customers;
- (2) The rates, terms, and conditions of service of the electric service suppliers;
- (3) The economic impact on the electric service suppliers;
- (4) Each electric service supplier's operational ability to serve all or portions of the annexed area within three years of the date the annexation becomes effective;
- (5) Avoiding the wasteful duplication of electric facilities;
- (6) Minimizing unnecessary encumbrances on the property and landscape within the area to be annexed; and
- (7) Preventing the waste of materials and natural resources.

If the municipally owned electric utility and rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then they may submit proposals to those submitting the original written request, whose preference shall control, section 394.080 to the contrary notwithstanding, and the governing body of the annexing municipality shall not reject the petition requesting annexation based on such preference. This subsection shall not apply to municipally owned property in any newly annexed area.

3. In the event an electrical corporation rather than a municipally owned electric utility lawfully is providing electric service in the municipality, all the provisions of subsection 2 shall apply equally as if the electrical corporation were a municipally owned electric utility, except that if the electrical corporation and the rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then either electric service supplier may file an application with the commission for an order determining which electric service supplier should serve, in whole or in part, the area to be annexed. The application shall be made pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. The commission after the opportunity for hearing shall make its determination after consideration of the factors set forth in subdivisions (1) through (7) of subsection 2 of this section, and section 394.080 to the contrary notwithstanding, may grant its order upon a finding that granting of the applicant's request is not detrimental to the public interest. The commission shall issue its decision by report and order no later than one hundred twenty days from the date of the application unless otherwise ordered by the commission for good cause shown. Review of such commission decisions shall be governed by sections 386.500 to 386.550. If the applicant is a rural electric cooperative, the commission shall charge to the rural electric cooperative the appropriate fees as set forth in subsection 9 of this section.

4. When a municipally owned electric utility desires to extend its service territory to include any structure located within a newly annexed area which has received permanent service from another electric service supplier within ninety days prior to the effective date of the annexation, it shall:

(1) Notify by publication in a newspaper of general circulation the record owner of said structure, and notify in writing any affected electric service supplier and the public service commission, within sixty days after the effective date of the annexation its desire to extend its service territory to include said structure; and

(2) Within six months after the effective date of the annexation receive the approval of the municipality's governing body to begin negotiations pursuant to section 394.312 with ~~any~~ the affected electric service supplier.

~~[4.]~~ 5. Upon receiving approval from the municipality's governing body pursuant to subsection ~~[3]~~ 4 of this section, the municipally owned electric utility and the affected electric service supplier shall meet and negotiate in good faith the terms of the territorial agreement and any transfers or acquisitions, including, as an alternative, granting the affected electric service supplier a franchise or authority to continue providing service in the annexed area. In the event that the affected electric service supplier does not provide wholesale electric power to the municipality, if the affected electric service supplier

so desires, the parties ~~shall~~ **may** also negotiate, consistent with applicable law, regulations and existing power supply agreements, for power contracts which would provide for the purchase of power by the municipality from the affected electric **service** supplier for an amount of power equivalent to the loss of any sales to customers receiving permanent service at structures within the annexed areas which are being sought by the municipally owned electric utility. The parties shall have no more than one hundred eighty days from the date of receiving approval from the municipality's governing body within which to conclude their negotiations and file their territorial agreement with the commission for approval under the provisions of section 394.312. The time period for negotiations allowed under this subsection may be extended for a period not to exceed one hundred eighty days by a mutual agreement of the parties and a written request with the public service commission.

~~[5-]~~ **6.** For purposes of this section, the term "fair and reasonable compensation" shall mean the following:

(1) The present-day reproduction cost, new, of the properties and facilities serving the annexed areas, less depreciation computed on a straight-line basis; and

(2) An amount equal to the reasonable and prudent cost of detaching the facilities in the annexed areas and the reasonable and prudent cost of constructing any necessary facilities to reintegrate the system of the affected electric **service** supplier outside the annexed area after detaching the portion to be transferred to the municipally owned electric utility; and

(3) ~~[Four]~~ **Two** hundred percent of gross revenues less gross receipts taxes received by the affected electric **service** supplier from the twelve-month period preceding the approval of the municipality's governing body under the provisions of subdivision (2) of subsection ~~[3]~~ **4** of this section, normalized to produce a representative usage from customers at the subject structures in the annexed area; and

(4) Any federal, state and local taxes which may be incurred as a result of the transaction, including the recapture of any deduction or credit; and

(5) Any other costs reasonably incurred by the affected electric supplier in connection with the transaction.

~~[6-]~~ **7.** In the event the parties are unable to reach an agreement under subsection ~~[4]~~ **5** of this section, within sixty days after the expiration of the time specified for negotiations, the municipally owned electric utility **or the affected electric service supplier** may apply to the commission for an order assigning exclusive service territories within the annexed area and a determination of the fair and reasonable compensation amount to be paid to the affected electric **service** supplier under subsection ~~[5]~~ **6** of this section. Applications shall be made and notice of such filing shall be given to all affected parties pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. Unless otherwise ordered by the commission for good cause shown, the commission shall rule on such applications not later than one hundred twenty days after the application is properly filed with the secretary of the commission. The commission shall hold evidentiary hearings to assign service territory between **the** affected electric **service** suppliers inside the annexed area and to determine the amount of compensation due any affected electric **service** supplier for the transfer of plant, facilities or associated lost revenues between electric **service** suppliers in the annexed area. The commission shall make such determinations based on findings of what best serves the public interest and shall issue its decision by report and order. Review of such commission decisions shall be governed by sections 386.500 to 386.550. The payment of compensation and transfer of title and operation of the facilities shall occur within ninety days after the order and any appeal therefrom becomes final unless the order provides otherwise.

~~[7-]~~ **8.** In reaching its decision under subsection ~~[6]~~ **7** of this section, the commission shall consider the following factors:

(1) Whether the acquisition or transfers sought by the municipally owned electric utility within the annexed area from the affected electric **service** supplier are, in total, in the public interest, including **the preference of the owner of any affected structure**, consideration of rate disparities between the

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competing electric **service** suppliers, and issues of unjust rate discrimination among customers of a single electric **service** supplier if the rates to be charged in the annexed areas are lower than those charged to other system customers; and

(2) The fair and reasonable compensation to be paid by the municipally owned electric utility, to the affected electric **service** supplier with existing system operations within the annexed area, for any proposed acquisitions or transfers; and

(3) Any effect on system operation, including, but not limited to, loss of load and loss of revenue; and

(4) Any other issues upon which the municipally owned electric utility and the affected electric **service** supplier might otherwise agree, including, but not limited to, the valuation formulas and factors contained in subsections ~~[4, 5 and 6,]~~ **5, 6, and 7** of this section, even if the parties could not voluntarily reach an agreement thereon under those subsections.

~~[8.]~~ **9.** The commission is hereby given all necessary jurisdiction over municipally owned electric utilities and rural electric cooperatives to carry out the purposes of this section consistent with other applicable law; provided, however, the commission shall not have jurisdiction to compel the transfer of customers or structures with a connected load greater than one thousand kilowatts. The commission shall by rule set appropriate fees to be charged on a case-by-case basis to municipally owned electric utilities and rural electric cooperatives to cover all necessary costs incurred by the commission in carrying out its duties under this section. **Nothing in this section shall be construed as otherwise conferring upon the public service commission jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally owned electric utility, except as provided in this section.**

10. Notwithstanding sections 394.020 and 394.080 to the contrary, a rural electric cooperative may provide electric service within the corporate boundaries of a municipality if such service is provided:

(1) Pursuant to subsections 2 through 9 of this section; and

(2) Such service is conditioned upon the execution of the appropriate territorial and municipal franchise agreements, which may include a nondiscriminatory requirement, consistent with other applicable law, that the rural electric cooperative collect and remit a sales tax based on the amount of electricity sold by the rural electric cooperative within the municipality.

393.106. DEFINITIONS — ELECTRIC POWER SUPPLIERS EXCLUSIVE RIGHT TO SERVE STRUCTURES, EXCEPTION — CHANGE OF SUPPLIERS, PROCEDURE — PURCHASE OF AUXILIARY POWER — PERMANENT SERVICE SUPPLIED TO NONRURAL AREA, WHEN. — 1. As used in this section, the following terms mean:

(1) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once an electrical corporation or joint municipal utility commission, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities,

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it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing contained herein shall affect the rights, privileges or duties of existing corporations pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of this section, section 91.025, section 394.080, and section 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

394.020. DEFINITIONS. — In this chapter, unless the context otherwise requires,

(1) "Member" means each incorporator of a cooperative and each person admitted to and retaining membership therein, and shall include a husband and wife admitted to joint membership;

(2) "Person" includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic; and

(3) "Rural area" shall be deemed to mean any area of the United States not included within the boundaries of any city, town or village having a population in excess of ~~[fifteen]~~ sixteen hundred inhabitants, and such term shall be deemed to include both the farm and nonfarm population thereof.

The number of inhabitants specified in this subsection shall be increased by six percent every ten years after each decennial census beginning in 2030.

394.315. DEFINITIONS — RURAL ELECTRIC COOPERATIVE EXCLUSIVE RIGHT TO SERVE STRUCTURES, EXCEPTION — CHANGE OF SUPPLIERS, PROCEDURE — NEW STRUCTURE BUILT, EFFECT OF. — 1. As used in this section, the following terms mean:

(1) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on ~~[a rural electric cooperative]~~ **an electric supplier** to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a rural electric cooperative, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided herein, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such cooperative, and except as provided in this section, nothing contained herein shall affect the rights, privileges or duties of existing cooperatives pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of this section, section 91.025, section 393.106, and section 394.080 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

407.297. COPPER PROPERTY PEDDLERS — LICENSE REQUIRED (ST. LOUIS CITY) — DEFINITIONS — FEE, APPLICATION PROCEDURE, REVOCATION. — 1. Notwithstanding any other provision of law to the contrary, no person shall engage in the business of a copper property peddler in a city not within a county without first obtaining a license from the city and complying with the provisions of this section.

2. For the purposes of this section, the following terms shall mean:

(1) "Copper property", any insulated copper wire, copper tubing, copper guttering and downspouts, or any item composed completely of copper;

(2) "Copper property peddler", any person who sells or attempts to sell copper property and who is not either a licensed or certified tradesperson or does not hold a business license issued by the city.

3. The city shall determine the license fee. The license shall expire June thirtieth of each year. Each license shall bear a separate number, the name and address of the licensee, a color photo of the licensee, and telephone number of the licensee. The license shall be available only to the person in whose name it is issued and shall not be used by any person other than the original licensee. Any licensee who shall permit his or her license to be used by any other person, and any other person who shall use a license granted to another person, shall each be deemed guilty of a violation of this section.

4. Application for a license under this section shall be made in writing to the city and shall state the name, age, description, and address of the applicant. The application shall include a sworn statement setting forth each and every conviction of the applicant for violations of federal, state, or municipal laws, statutes, or ordinances. In addition, the applicant shall, at his or her

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expense, obtain a complete copy of the applicant's criminal record as indicated by the records of a law enforcement agency and submit such record as part of the application. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the last twenty-four months prior to the date of the application.

5. The city shall have the power and authority to revoke any license under this section for any willful violation of this section by a copper property peddler, provided the licensee has been notified in writing at his or her place of business of the violations complained of and shall have been afforded a reasonable opportunity to have a hearing.

6. The provisions of this section shall only be effective when the city is actively issuing licenses to copper property peddlers.

407.300. CERTAIN MATERIALS, COLLECTORS AND DEALERS TO KEEP REGISTER, INFORMATION REQUIRED — CATALYTIC CONVERTER TRANSACTION, LIMIT ON LOCATION — STOLEN CATALYTIC CONVERTER, PURCHASE OF, PENALTIES — EXEMPT TRANSACTIONS. —

1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property **who obtains items for resale or profit** shall keep a register containing a written or electronic record for each purchase or trade in which each type of material subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

- (1) Copper, brass, or bronze;
- (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;
- (3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;
- (4) **Detached** catalytic converter; or
- (5) Motor vehicle, heavy equipment, or tractor battery.

2. The record required by this section shall contain the following data:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof ~~[to]~~ of the person from whom the material is obtained;

(2) The current address, gender, birth date, and a **color** photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;

(3) The date, time, and place of the transaction;

(4) The license plate number of the vehicle used by the seller during the transaction; **and**

(5) A full description of the material, including the weight and purchase price.

3. The records required under this section shall be maintained for a minimum of ~~[twenty-four]~~ **thirty-six** months from when such material is obtained and shall be available for inspection by any law enforcement officer.

4. ~~[Anyone convicted of violating this section shall be guilty of a class B misdemeanor.]~~ **No transaction that includes a detached catalytic converter shall occur at any location other than the fixed place of business of the purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property. No detached catalytic converter shall be altered, modified, disassembled, or destroyed until it has been in the purchaser's, collector's, or dealer's possession for five business days.**

5. **Anyone licensed under section 301.218 who knowingly purchases a stolen detached catalytic converter shall be subject to the following penalties:**

(1) **For a first violation, a fine in the amount of five-thousand dollars;**

(2) **For a second violation, a fine in the amount of ten-thousand dollars; and**

(3) **For a third violation, revocation of the license for a business described under section 301.218.**

6. This section shall not apply to ~~[any]~~ **either** of the following transactions:

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

(1) ~~Any transaction for which the total amount paid for all regulated material purchased or sold does not exceed fifty dollars, unless the material is a catalytic converter;~~

(2) Any transaction for which the seller ~~including a farm or farmer,~~ has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business, **and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof, and a copy is retained by the purchaser;** or

~~(3)~~ (2) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for **heating and cooling equipment** or equipment used in the generation and transmission of electrical power or telecommunications.

451.040. MARRIAGE LICENSE REQUIRED, WAITING PERIOD — PRESENCE NOT REQUIRED, WHEN — APPLICATION, CONTENTS — LICENSE VOID WHEN — COMMON LAW OF MARRIAGES VOID — LACK OF AUTHORITY TO PERFORM MARRIAGE, EFFECT — ONLINE APPLICATIONS, PROCEDURE. — 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy **or electronically through an online process.** If an applicant is unable to sign the application in the presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, the recorder of deeds may issue a license if:

(1) An affidavit or sworn statement is submitted by the incarcerated or military applicant on a form furnished by the recorder of deeds which includes the necessary information for the recorder of deeds to issue a marriage license under this section. The form shall include, but not be limited to, the following:

- (a) The names of both applicants for the marriage license;
- (b) The date of birth of the incarcerated or military applicant;
- (c) An attestation by the incarcerated or military applicant that both applicants are not related;
- (d) The date the marriage ended if the incarcerated or military applicant was previously married;
- (e) An attestation signed by the incarcerated or military applicant stating in substantial part that the applicant is unable to appear in the presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, which will be verified by the professional or official who directs the operation of the jail or prison or the military applicant's military officer, or such professional's or official's designee, and acknowledged by a notary public commissioned by the state of Missouri at the time of verification.

However, in the case of an applicant who is called or ordered to active military duty outside Missouri, ~~acknowledgement~~ **acknowledgment** may be obtained by a notary public who is duly commissioned by a state other than Missouri or by notarial services of a military officer in accordance with the Uniform Code of Military Justice at the time of verification;

(2) The completed marriage license application of the incarcerated or military applicant is submitted which includes the applicant's Social Security number; except that, in the event the applicant does not have a Social Security number, a sworn statement by the applicant to that effect; and

(3) A copy of a government-issued identification for the incarcerated or military applicant which contains the applicant's photograph. However, in such case the incarcerated applicant does not have

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

such an identification because the jail or prison to which he or she is confined does not issue an identification with a photo his or her notarized application shall satisfy this requirement.

3. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024. After the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common-law marriages shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

7. In the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder of deeds shall have a two-step identity verification process or a process that independently verifies the identity of such applicants. Such process shall be adopted as part of any electronic system for marriage licenses if the applicants do not present themselves to the recorder of deeds or his or her designee in person. It shall be the responsibility of the recorder of deeds to ensure any process adopted to allow electronic application or issuance of a marriage license verifies the identities of both applicants. The recorder of deeds shall not accept applications for or issue marriage licenses through the process provided in this subsection unless both applicants are at least eighteen years of age and at least one of the applicants is a resident of the county or city not within a county in which the application was submitted.

476.083. CIRCUIT COURT MARSHAL MAY BE APPOINTED IN CERTAIN CIRCUITS, POWERS AND DUTIES, SALARY, QUALIFICATIONS. — 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates or containing, as of January 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of ~~the courthouse,~~ **court facilities, including courtrooms, jury rooms, and chambers or offices of the court;** serving court-generated papers and orders[;] ; and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years' prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

- (1) Serve process;
- (2) Wear a concealable firearm; and
- (3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit.

485.060. COMPENSATION OF REPORTERS. — 1. Each court reporter for a circuit judge shall receive an annual salary of twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985, and beginning January 1, 1986, an annual salary of thirty thousand dollars.

2. Such annual salary shall be modified by any salary adjustment provided by section 476.405[~~g~~].

3. Beginning January 1, 2022, the annual salary, as modified under section 476.405, shall be adjusted upon meeting the minimum number of cumulative years of service as a court reporter with a circuit court of this state by the following schedule:

- (1) For each court reporter with zero to five years of service: the annual salary shall be increased only by any salary adjustment provided by section 476.405;**
- (2) For each court reporter with six to ten years of service: the annual salary shall be increased by five and one-quarter percent;**
- (3) For each court reporter with eleven to fifteen years of service: the annual salary shall be increased by eight and one-quarter percent;**
- (4) For each court reporter with sixteen to twenty years of service: the annual salary shall be increased by eight and one-half percent; or**
- (5) For each court reporter with twenty-one or more years of service: the annual salary shall be increased by eight and three-quarters percent.**

A court reporter may receive multiple adjustments under this subsection as his or her cumulative years of service increase, but only one percentage listed in subdivisions (1) to (5) of this subsection shall apply to the annual salary at a time.

4. Salaries shall be payable in equal monthly installments on the certification of the judge of the court or division in whose court the reporter is employed. ~~When~~ If paid by the state, the salaries of such court reporters shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

488.2235. KANSAS CITY, ADDITIONAL SURCHARGE FOR MUNICIPAL COURTHOUSES. — 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than four hundred thousand inhabitants and located in more than one county may provide for additional court costs in an amount up to five dollars per case for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge.

2. The judge may waive the assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Such cost shall be collected by the clerk and disbursed to the city at least monthly. The city shall use such additional costs only for the restoration, maintenance and upkeep of the municipal courthouse. The costs collected may be pledged to directly or indirectly secure bonds for the cost of restoration, maintenance and upkeep of the courthouse.

4. The provisions of this section shall expire August 28, ~~2024~~ **2026**.

570.030. STEALING — PENALTIES. — 1. A person commits the offense of stealing if he or she:

(1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.

3. The offense of stealing is a class B felony if:

(1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or

(5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property.

4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more.

5. The offense of stealing is a class D felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more;

(2) The offender physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft;

(b) Any will or unrecorded deed affecting real property;

(c) Any credit device, debit device or letter of credit;

(d) Any firearms;

(e) Any explosive weapon as defined in section 571.010;

(f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;

(g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;

(h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;

(i) Any book of registration or list of voters required by chapter 115;

(j) Any animal considered livestock as that term is defined in section 144.010;

- (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
 - (l) Any captive wildlife held under permit issued by the conservation commission;
 - (m) Any controlled substance as defined by section 195.010;
 - (n) Ammonium nitrate;
 - (o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or
 - (p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.
6. The offense of stealing is a class E felony if:
- (1) The property appropriated is an animal; ~~or~~
 - (2) **The property is a catalytic converter; or**
 - (3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense.
7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.
8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.
9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.
10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.
11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.

SECTION 1. COVID-19 VACCINATIONS, POLITICAL SUBDIVISIONS PROHIBITING FROM REQUIRING DOCUMENTATION FOR USE OF TRANSPORTATION SYSTEMS AND PUBLIC ACCOMMODATIONS. — **No county, city, town or village in this state receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation systems or services or any other public accommodations.**

SECTION B. EMERGENCY CLAUSE. — Because of the importance of property tax relief and the threat of government overreach to the residents of Missouri, the enactment of section 67.265 and the repeal and reenactment of sections 139.100 and 192.300 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 67.265 and the repeal and reenactment of sections 139.100 and 192.300 of this act shall be in full force and effect upon its passage and approval.

Approved June 15, 2021

CCS SS#2 SCS HB 273

Enacts provisions relating to professional registration, with penalty provisions.

AN ACT to repeal sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 338.010, 339.100, 339.150, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof thirty-one new sections relating to professional registration, with penalty provisions.

SECTION

- A Enacting clause.
- 324.009 Licensure reciprocity — definitions — requirements — inapplicability, when.
- 324.012 Fresh start act of 2020 — definitions — prior convictions not disqualifying or considered, when — denial of license, procedure — applicability.
- 324.087 Occupational Therapy Licensure Compact.
- 324.200 Dietitian practice act — definitions.
- 324.206 Permitted acts by persons not holding themselves out as dietitians — requirements before performing acts or services.
- 327.011 Definitions.
- 327.091 Practice of architecture defined.
- 327.101 Unauthorized practice prohibited — licensure required — exceptions, when.
- 327.131 Applicant for license as architect, qualifications.
- 327.191 Unauthorized practice prohibited — licensure required — exceptions, when.
- 327.241 Examination for licensure, requirements.
- 327.612 Applicants for licensure as professional landscape architect — qualifications.
- 329.034 Shampooing — no license required, when.
- 337.068 Complaints of prisoners — disposition of certain records.
- 338.010 Practice of pharmacy defined — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — ShowMeVax system, notice.
- 338.730 HIV postexposure prophylaxis, dispensing of, requirements — definitions — rulemaking authority.
- 339.100 Investigation of certain practices, procedure — subpoenas — formal complaints — revocation or suspension of licenses — digest may be published — revocation of licenses for certain offenses.
- 339.150 Unlicensed persons not to be employed, when — no fees paid, when, exception — compensation directly to business entity owned by licensee, when — definitions.
- 375.029 Continuing education credit, participation in professional insurance association qualifies, when, hours — rulemaking authority.
- 436.218 Definitions.
- 436.224 Certificate of registration required — act as athlete agent without certificate, when.
- 436.227 Application procedure, contents — reciprocity, requirements — director to issue certificate, when, duties.
- 436.230 Certificate of registration issued, when — refusal to issue, when, considerations — certificate renewal, procedure.
- 436.236 Temporary certificate of registration permitted, when.
- 436.242 Contract requirements and content — separate record for minors — violations, voided contract — parental signature required for minors.

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

- 436.245 Notice of contract, when — violation of athlete agent law, educational institution to notify director.
- 436.248 Cancellation of contract, when.
- 436.254 Prohibited acts.
- 436.260 Educational institution or student athlete cause of action, when, damages — violation an unfair trade practice.
- 436.263 Violations, penalties.
- 436.266 Uniformity considered in applying law.
- 436.257 Violation, penalty.

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

SECTION A. ENACTING CLAUSE. — Sections 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 338.010, 339.100, 339.150, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 324.009, 324.012, 324.087, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 329.034, 337.068, 338.010, 338.730, 339.100, 339.150, 375.029, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.260, 436.263, and 436.266, to read as follows:

324.009. LICENSURE RECIPROCITY — DEFINITIONS — REQUIREMENTS — INAPPLICABILITY, WHEN. — 1. For purposes of this section, the following terms mean:

(1) — "License", a license, certificate, registration, permit, ~~[or]~~ accreditation, **or military occupational speciality** that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "**Military**", the **Armed Forces of the United States including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;**

(3) "Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

~~[(3)]~~ (4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

~~[(4)]~~ (5) "Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Any person who holds a valid current license issued by another state, **a branch or unit of the military**, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an application for a license in Missouri in the same occupation or profession, and at the same practice level, for which he or she holds the current license, along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction, to the relevant oversight body in this state.

3. The oversight body in this state shall:

(1) Within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state. An oversight body that administers an examination on laws of this state as part of its licensing application requirement may require an applicant to take and pass an examination specific to the laws of this state; or

(2) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.

4. (1) The oversight body shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in subdivision (2) of this subsection, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

(2) If another jurisdiction has taken disciplinary action against an applicant, the oversight body shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the oversight body may deny a license until the matter is resolved.

5. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

6. Any person who is licensed under the provisions of this section shall be subject to the applicable oversight body's jurisdiction and all rules and regulations pertaining to the practice of the licensed occupation or profession in this state.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not impede an oversight body's authority to require an applicant to submit fingerprints as part of the application process.

10. The provisions of this section shall not apply to an oversight body that has entered into a licensing compact with another state for the regulation of practice under the oversight body's jurisdiction. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018.

11. Notwithstanding any other provision of law, a license issued under this section shall be valid only in this state and shall not make a licensee eligible to be part of an interstate compact. An applicant who is licensed in another state pursuant to an interstate compact shall not be eligible for licensure by an oversight body under the provisions of this section.

12. The provisions of this section shall not apply to any occupation set forth in subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945.

324.012. FRESH START ACT OF 2020 — DEFINITIONS — PRIOR CONVICTIONS NOT DISQUALIFYING OR CONSIDERED, WHEN — DENIAL OF LICENSE, PROCEDURE — APPLICABILITY. — 1. This section shall be known and may be cited as the "Fresh Start Act of 2020".

2. As used in this section, the following terms mean:

(1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea of nolo contendere;

(2) "Licensing", any required training, education, or fee to work in a specific occupation, profession, or activity in the state;

(3) "Licensing authority", an agency, examining board, credentialing board, or other office of the state with the authority to impose occupational fees or licensing requirements on any profession. **For purposes of the provisions of this section other than subsection 7 of this section**, the term "licensing authority" shall not include the state board of education's licensure of teachers pursuant to chapter 168, the Missouri state board of accountant's licensure of accountants pursuant to chapter 326, the board of podiatric medicine's licensure of podiatrists pursuant to chapter 330, the Missouri dental board's licensure of dentists pursuant to chapter 332, the state board of registration for the healing art's licensure of physicians and surgeons pursuant to chapter 334, the Missouri state board of nursing's licensure of nurses pursuant to chapter 335, the board of pharmacy's licensure of pharmacists pursuant to chapter 338, the Missouri real estate commission's licensure of real estate brokers, real estate salespersons, or real estate broker-salespersons pursuant to sections 339.010 to 339.205, the Missouri veterinary medical board's licensure of veterinarian's pursuant to chapter 340, the Missouri director of finance appointed pursuant to chapter 361, or the peace officer standards and training commission's licensure of peace officers or other law enforcement personnel pursuant to chapter 590;

(4) "Political subdivision", a city, town, village, municipality, or county.

3. Notwithstanding any other provision of law, beginning January 1, 2021, no person shall be disqualified by a state licensing authority from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime in this state or another state, unless the criminal conviction directly relates to the duties and responsibilities for the licensed occupation as set forth in this section or is violent or sexual in nature.

4. Beginning August 28, 2020, applicants for examination of licensure who have pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this state, any other state, United States, or any other country, notwithstanding whether sentence is imposed, shall be considered by state licensing authorities to have committed a criminal offense that directly relates to the duties and responsibilities of a licensed profession:

(1) Any murder in the first degree, or dangerous felony as defined under section 556.061 excluding an intoxication-related traffic offense or intoxication-related boating offense if the person is found to be a habitual offender or habitual boating offender as such terms are defined in section 577.001;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children; and

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

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material;

(5) The offense of delivery of a controlled substance, as provided in section 579.020, may be a disqualifying criminal offense for the following occupations: real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344; and

(6) Any offense an essential element of which is fraud may be a disqualifying criminal offense for the following occupations: private investigators, licensed pursuant to sections 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects, licensed pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections 327.181 to 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371; landscape architects, licensed pursuant to sections 327.600 to 327.635; chiropractors, licensed pursuant to chapter 331; embalmers and funeral directors, licensed pursuant to chapter 333; real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344.

5. If an individual is charged with any of the crimes set forth in subsection 4 of this section, and is convicted, pleads guilty to, or is found guilty of a lesser-included offense and is sentenced to a period of incarceration, such conviction shall only be considered by state licensing authorities as a criminal offense that directly relates to the duties and responsibilities of a licensed profession for four years, beginning on the date such individual is released from incarceration.

6. (1) ~~[Licensing authorities shall only list criminal convictions that are directly related to the duties and responsibilities for the licensed occupation.]~~

~~(2)]~~ The licensing authority shall determine whether an applicant with a criminal conviction ~~[listed under subdivision (1) of this subsection]~~ will be denied a license based on the following factors:

- (a) The nature and seriousness of the crime for which the individual was convicted;
- (b) The passage of time since the commission of the crime, including consideration of the factors listed under subdivision ~~[(3)]~~ (2) of this subsection;
- (c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; and
- (d) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.

~~[(3)]~~ (2) If an individual has a valid criminal conviction for a criminal offense that could disqualify the individual from receiving a license, the disqualification shall not apply to an individual who has been exonerated for a crime for which he or she has previously been convicted of or incarcerated.

7. An individual with a criminal record may petition a licensing authority at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include details on the individual's criminal record. The licensing authority shall inform the individual of his or her standing within thirty days after the licensing authority has met, but in no event more than four months after receiving the petition from the applicant. The decision shall be binding, unless the individual has subsequent criminal convictions or failed to disclose information in his or her petition. **If the decision is that the individual is disqualified, the individual shall be notified in writing of the grounds and reasons for disqualification.** The licensing authority may charge a fee by rule to recoup its costs as set by rulemaking authority not to exceed twenty-five dollars for each petition.

8. (1) If a licensing authority denies an individual a license solely or in part because of the individual's prior conviction of a crime, the licensing authority shall notify the individual in writing of the following:

- (a) The grounds and reasons for the denial or disqualification;
- (b) That the individual has the right to a hearing as provided by chapter 621 to challenge the licensing authority's decision;
- (c) The earliest date the person may reapply for a license; and
- (d) That evidence of rehabilitation may be considered upon reapplication.

(2) Any written determination by the licensing authority that an applicant's criminal conviction is a specifically listed disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation shall be documented with written findings for each of the grounds or reasons under paragraph (a) of subdivision (1) of this subsection by clear and convincing evidence sufficient for a reviewing court.

(3) In any administrative hearing or civil litigation authorized under this subsection, the licensing authority shall carry the burden of proof on the question of whether the applicant's criminal conviction directly relates to the occupation for which the license is sought.

9. The provisions of this section shall apply to any profession for which an occupational license is issued in this state, including any new occupational license created by a state licensing authority after August 28, 2020. Notwithstanding any other provision of law, political subdivisions shall be prohibited from creating any new occupational licenses after August 28, 2020. The provisions of this section shall not apply to business licenses, where the terms "occupational licenses" and "business licenses" are used interchangeably in a city or county charter definition.

324.087. OCCUPATIONAL THERAPY LICENSURE COMPACT. — SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of Occupational Therapy with the goal of improving public access to Occupational Therapy services. The Practice of Occupational Therapy occurs in the State where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure. This Compact is designed to achieve the following objectives:

- A. Increase public access to Occupational Therapy services by providing for the mutual recognition of other Member State licenses;**
- B. Enhance the States' ability to protect the public's health and safety;**
- C. Encourage the cooperation of Member States in regulating multi-State Occupational Therapy Practice;**
- D. Support spouses of relocating military members;**
- E. Enhance the exchange of licensure, investigative, and disciplinary information between Member States;**
- F. Allow a Remote State to hold a provider of services with a Compact Privilege in that State accountable to that State's practice standards; and**
- G. Facilitate the use of Telehealth technology in order to increase access to Occupational Therapy services.**

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and Section 1211.**

B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against an Occupational Therapist or Occupational Therapy Assistant, including actions against an individual's license or Compact Privilege such as censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.

C. "Alternative Program" means a non-disciplinary monitoring process approved by an Occupational Therapy Licensing Board.

D. "Compact Privilege" means the authorization, which is equivalent to a license, granted by a Remote State to allow a Licensee from another Member State to practice as an Occupational Therapist or practice as an Occupational Therapy Assistant in the Remote State under its laws and rules. The Practice of Occupational Therapy occurs in the Member State where the patient/client is located at the time of the patient/client encounter.

E. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

F. "Current Significant Investigative Information" means Investigative Information that a Licensing Board, after an inquiry or investigation that includes notification and an opportunity for the Occupational Therapist or Occupational Therapy Assistant to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

G. "Data System" means a repository of information about Licensees, including but not limited to license status, Investigative Information, Compact Privileges, and Adverse Actions.

H. "Encumbered License" means a license in which an Adverse Action restricts the Practice of Occupational Therapy by the Licensee or said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

J. "Home State" means the Member State that is the Licensee's Primary State of Residence.

K. "Impaired Practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

L. "Investigative Information" means information, records, and/or documents received or generated by an Occupational Therapy Licensing Board pursuant to an investigation.

M. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and rules governing the Practice of Occupational Therapy in a State.

N. "Licensee" means an individual who currently holds an authorization from the State to practice as an Occupational Therapist or as an Occupational Therapy Assistant.

O. "Member State" means a State that has enacted the Compact.

P. "Occupational Therapist" means an individual who is licensed by a State to practice Occupational Therapy.

Q. "Occupational Therapy Assistant" means an individual who is licensed by a State to assist in the Practice of Occupational Therapy.

R. "Occupational Therapy," "Occupational Therapy Practice," and the "Practice of Occupational Therapy" mean the care and services provided by an Occupational Therapist or an Occupational Therapy Assistant as set forth in the Member State's statutes and regulations.

S. "Occupational Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

T. "Occupational Therapy Licensing Board" or "Licensing Board" means the agency of a State that is authorized to license and regulate Occupational Therapists and Occupational Therapy Assistants.

U. "Primary State of Residence" means the state (also known as the Home State) in which an Occupational Therapist or Occupational Therapy Assistant who is not Active Duty Military declares a primary residence for legal purposes as verified by: driver's license, federal income tax return, lease, deed, mortgage or voter registration or other verifying documentation as further defined by Commission Rules.

V. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Compact Privilege.

W. "Rule" means a regulation promulgated by the Commission that has the force of law.

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the Practice of Occupational Therapy.

Y. "Single-State License" means an Occupational Therapist or Occupational Therapy Assistant license issued by a Member State that authorizes practice only within the issuing State and does not include a Compact Privilege in any other Member State.

Z. "Telehealth" means the application of telecommunication technology to deliver Occupational Therapy services for assessment, intervention and/or consultation.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the Compact, a Member State shall:

1. License Occupational Therapists and Occupational Therapy Assistants;

2. Participate fully in the Commission's Data System, including but not limited to using the Commission's unique identifier as defined in Rules of the Commission;

3. Have a mechanism in place for receiving and investigating complaints about Licensees;

4. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;

5. Implement or utilize procedures for considering the criminal history records of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

a. A Member State shall, within a time frame established by the Commission, require a criminal background check for a Licensee seeking/applying for a Compact Privilege whose Primary State of Residence is that Member State, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions.

b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.

6. Comply with the Rules of the Commission;

7. Utilize only a recognized national examination as a requirement for licensure pursuant to the Rules of the Commission; and

8. Have Continuing Competence/Education requirements as a condition for license renewal.

B. A Member State shall grant the Compact Privilege to a Licensee holding a valid unencumbered license in another Member State in accordance with the terms of the Compact and Rules.

C. Member States may charge a fee for granting a Compact Privilege.

D. A Member State shall provide for the State's delegate to attend all Occupational Therapy Compact Commission meetings.

E. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the

Single-State License granted to these individuals shall not be recognized as granting the Compact Privilege in any other Member State.

F. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;
2. Have a valid United States Social Security Number or National Practitioner Identification number;
3. Have no encumbrance on any State license;
4. Be eligible for a Compact Privilege in any Member State in accordance with Section 4D, F, G, and H;
5. Have paid all fines and completed all requirements resulting from any Adverse Action against any license or Compact Privilege, and two years have elapsed from the date of such completion;
6. Notify the Commission that the Licensee is seeking the Compact Privilege within a Remote State(s);
7. Pay any applicable fees, including any State fee, for the Compact Privilege;
8. Complete a criminal background check in accordance with Section 3A(5);
 - a. The Licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check.
9. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and
10. Report to the Commission Adverse Action taken by any non-Member State within 30 days from the date the Adverse Action is taken.

B. The Compact Privilege is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4A to maintain the Compact Privilege in the Remote State.

C. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

D. Occupational Therapy Assistants practicing in a Remote State shall be supervised by an Occupational Therapist licensed or holding a Compact Privilege in that Remote State.

E. A Licensee providing Occupational Therapy in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Compact Privilege in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Compact Privilege in any State until the specific time for removal has passed and all fines are paid.

F. If a Home State license is encumbered, the Licensee shall lose the Compact Privilege in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and
2. Two years have elapsed from the date on which the Home State license is no longer encumbered in accordance with Section 4(F)(1).

G. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4A to obtain a Compact Privilege in any Remote State.

H. If a Licensee's Compact Privilege in any Remote State is removed, the individual may lose the Compact Privilege in any other Remote State until the following occur:

1. The specific period of time for which the Compact Privilege was removed has ended;

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

2. All fines have been paid and all conditions have been met;
3. Two years have elapsed from the date of completing requirements for 4(H)(1) and (2); and
4. The Compact Privileges are reinstated by the Commission, and the compact Data System is updated to reflect reinstatement.

I. If a Licensee's Compact Privilege in any Remote State is removed due to an erroneous charge, privileges shall be restored through the compact Data System.

J. Once the requirements of Section 4H have been met, the license must meet the requirements in Section 4A to obtain a Compact Privilege in a Remote State.

SECTION 5. OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

A. An Occupational Therapist or Occupational Therapy Assistant may hold a Home State license, which allows for Compact Privileges in Member States, in only one Member State at a time.

B. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving between two Member States:

1. The Occupational Therapist or Occupational Therapy Assistant shall file an application for obtaining a new Home State license by virtue of a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of compact privilege, the new Home State shall verify that the Occupational Therapist or Occupational Therapy Assistant meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

a. an FBI fingerprint based criminal background check if not previously performed or updated pursuant to applicable Rules adopted by the Commission in accordance with Public Law 92-544;

b. other criminal background check as required by the new Home State; and

c. submission of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Compact Privilege once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Occupational Therapist or Occupational Therapy Assistant cannot meet the criteria in Section 4, the new Home State shall apply its requirements for issuing a new Single-State License.

5. The Occupational Therapist or the Occupational Therapy Assistant shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single-State License in the new State.

D. Nothing in this compact shall interfere with a Licensee's ability to hold a Single-State License in multiple States; however, for the purposes of this compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A. Active Duty Military personnel, or their spouses, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a

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Home State, the individual shall only change their Home State through application for licensure in the new State or through the process described in Section 5.

SECTION 7. ADVERSE ACTIONS

A. A Home State shall have exclusive power to impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license issued by the Home State.

B. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege within that Member State.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the State in which the witnesses or evidence are located.

C. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

D. The Home State shall complete any pending investigations of an Occupational Therapist or Occupational Therapy Assistant who changes Primary State of Residence during the course of the investigations. The Home State, where the investigations were initiated, shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the OT Compact Commission Data System. The Occupational Therapy Compact Commission Data System administrator shall promptly notify the new Home State of any Adverse Actions.

E. A Member State, if otherwise permitted by State law, may recover from the affected Occupational Therapist or Occupational Therapy Assistant the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Occupational Therapist or Occupational Therapy Assistant.

F. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

G. Joint Investigations

1. In addition to the authority granted to a Member State by its respective State Occupational Therapy laws and regulations or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

H. If an Adverse Action is taken by the Home State against an Occupational Therapist's or Occupational Therapy Assistant's license, the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege in all other Member States shall be deactivated until all encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license shall include a Statement that the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege is deactivated in all Member States during the pendency of the order.

I. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

J. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint public agency known as the Occupational Therapy Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board, who is an Occupational Therapist, Occupational Therapy Assistant, or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State board shall fill any vacancy occurring in the Commission within 90 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

7. The Commission shall establish by Rule a term of office for delegates.

C. The Commission shall have the following powers and duties:

1. Establish a Code of Ethics for the Commission;

2. Establish the fiscal year of the Commission;

3. Establish bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

6. Promulgate uniform Rules to facilitate and coordinate implementation and administration of this Compact. The Rules shall have the force and effect of law and shall be binding in all Member States;

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Occupational Therapy Licensing Board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Occupational Therapy licensure and practice.

D. The Executive Committee

The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Committee shall be composed of nine members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission;

b. One ex-officio, nonvoting member from a recognized national Occupational Therapy professional association; and

c. One ex-officio, nonvoting member from a recognized national Occupational Therapy certification organization.

2. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following Duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Compact Privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Perform other duties as provided in Rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 10.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or Member State statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds

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handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. A Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable (utilizing a unique identifier) as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license or Compact Privilege;
4. Non-confidential information related to Alternative Program participation;
5. Any denial of application for licensure, and the reason(s) for such denial;
6. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission; and
7. Current Significant Investigative Information.

C. Current Significant Investigative Information and other Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

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F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 10. RULEMAKING

A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

B. The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each Member State Occupational Therapy Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;
2. The text of the proposed Rule or amendment and the reason for the proposed Rule;
3. A request for comments on the proposed Rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

1. At least twenty five (25) persons;
2. A State or federal governmental subdivision or agency; or
3. An association or organization having at least twenty five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

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J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or
4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

4. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

6. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Occupational Therapy Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Occupational Therapy licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 13. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws promulgated by the Commission, are binding upon the Member States.

E. All agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

324.200. DIETITIAN PRACTICE ACT — DEFINITIONS. — 1. Sections 324.200 to 324.225 shall be known and may be cited as the "Dietitian Practice Act".

2. As used in sections 324.200 to 324.225, the following terms shall mean:

(1) "Accreditation Council for Education in Nutrition and Dietetics" or "ACEND", the Academy of Nutrition and Dietetics accrediting agency for education programs preparing students for professions as registered dietitians;

(2) "Committee", the state committee of dietitians established in section 324.203;

(3) "Dietetics practice", the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services. The primary function of dietetic practice is the provision of nutrition care services that shall include, but not be limited to:

- (a) Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;
- (b) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints;
- (c) Providing nutrition counseling or education in health and disease;
- (d) Developing, implementing, and managing nutrition care systems;
- (e) Evaluating, making changes in, and maintaining appropriate standards of quality and safety in food and in nutrition services;
- (f) Engaged in medical nutritional therapy as defined in subdivision (8) of this section;
- (4) "Dietitian", one engaged in dietetic practice as defined in subdivision (3) of this section;
- (5) "Director", the director of the division of professional registration;
- (6) "Division", the division of professional registration;
- (7) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition therapy;
- (8) "Medical nutrition therapy", ~~[nutritional diagnostic, therapy, and counseling services which are furnished by a registered dietitian or registered dietitian nutritionist]~~ **the provision of nutrition care services for the treatment or management of a disease or medical condition;**
- (9) "Registered dietitian" or "registered dietitian nutritionist", a person who:
 - (a) Has completed a minimum of a baccalaureate degree granted by a United States regionally accredited college or university or foreign equivalent;
 - (b) Completed the academic requirements of a didactic program in dietetics, as approved by ACEND;
 - (c) Successfully completed the registration examination for dietitians; and
 - (d) Accrued seventy-five hours of approved continuing professional units every five years; as determined by the Committee on Dietetic Registration.

324.206. PERMITTED ACTS BY PERSONS NOT HOLDING THEMSELVES OUT AS DIETITIANS — REQUIREMENTS BEFORE PERFORMING ACTS OR SERVICES. — 1. As long as the person involved does not represent or hold himself or herself out as a dietitian as defined by subdivision (4) of subsection 2 of section 324.200, nothing in sections 324.200 to 324.225 is intended to limit, preclude, or otherwise interfere with:

- (1) Self-care by a person or gratuitous care by a friend or family member;
- (2) Persons in the military services or working in federal facilities from performing any activities described in sections 324.200 to 324.225 during the course of their assigned duties in the military service or a federal facility;
- (3) A licensed health care provider performing any activities described in sections 324.200 to 324.225 that are within the scope of practice of the licensee;
- (4) A person pursuing an approved educational program leading to a degree or certificate in dietetics at an accredited or approved educational program as long as such person does not provide dietetic services outside the educational program. Such person shall be designated by a title that clearly indicates the person's status as a student;
- (5) Individuals who do not hold themselves out as dietitians marketing or distributing food products including dietary supplements as defined by the Food and Drug Administration or engaging in the explanation and education of customers regarding the use of such products;
- (6) Any person furnishing general nutrition information as to the use of food, food materials, or dietary supplements, nor prevent in any way the free dissemination of literature;
- (7) **A person credentialed in the field of nutrition from providing advice, counseling, or evaluations in matters of food, diet, or nutrition to the extent such acts are within the scope of practice listed by the credentialing body and do not constitute medical nutrition therapy;**

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provided, however, no such individual may call himself or herself a dietitian unless he or she is licensed under this chapter.

2. A credentialed person not representing or holding himself or herself out as a dietitian, who performs any of the acts or services listed in subsection 1 of this section, shall provide, prior to performing such act or service for another, the following:

- (1) The person's name and title;**
- (2) The person's business address and telephone number;**
- (3) A statement that the person is not a dietitian licensed by the state of Missouri;**
- (4) A statement that the information provided or advice given may be considered alternative care by licensed practitioners in the state of Missouri; and**
- (5) The person's qualifications for providing such information or advice, including educational background, training, and experience.**

327.011. DEFINITIONS. — As used in this chapter, the following words and terms shall have the meanings indicated:

(1) "Accredited degree program from a school of architecture", a degree from any school or other institution which teaches architecture and whose curricula for the degree in question have been, at the time in question, certified as accredited by the National Architectural Accrediting Board;

(2) "Accredited school of engineering", any school or other institution which teaches engineering and whose curricula on the subjects in question are or have been, at the time in question certified as accredited by the engineering accreditation commission of the accreditation board for engineering and technology or its successor organization;

(3) "Accredited school of landscape architecture", any school or other institution which teaches landscape architecture and whose curricula on the subjects in question are or have been at the times in question certified as accredited by the Landscape Architecture Accreditation Board of the American Society of Landscape Architects;

(4) "Architect", any person authorized pursuant to the provisions of this chapter to practice architecture in Missouri, as the practice of architecture is defined in section 327.091;

(5) "Board", the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects;

(6) "Corporation", any general business corporation, professional corporation or limited liability company;

(7) "Design coordination", the review and coordination of technical submissions prepared by others including, as appropriate and without limitation, architects, professional engineers, professional land surveyors, professional landscape architects, and other consultants;

(8) "Design survey", a survey which includes all activities required to gather information to support the sound conception, planning, design, construction, maintenance, and operation of design projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system;

(9) "Incidental practice", the performance of other professional services licensed under chapter 327 that are related to a licensee's professional service, but are secondary and substantially less in scope and magnitude when compared to the professional services usually and normally performed by the licensee practicing in their licensed profession. This incidental professional service shall be safely and competently performed by the licensee without jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by education, training, and experience as determined by the board and in sections 327.091, 327.181, 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

(10) "Licensee", a person licensed to practice any profession regulated under this chapter or a corporation authorized to practice any such profession;

(11) "Partnership", any partnership or limited liability partnership;

(12) "Person", any ~~[person]~~ **individual**, corporation, firm, partnership, association or other entity **authorized to do business**;

(13) "Professional engineer", any person authorized pursuant to the provisions of this chapter to practice as a professional engineer in Missouri, as the practice of engineering is defined in section 327.181;

(14) "Professional land surveyor", any person authorized pursuant to the provisions of this chapter to practice as a professional land surveyor in Missouri as the practice of land surveying is defined in section 327.272;

(15) "Professional landscape architect", any person authorized pursuant to the provisions of this chapter to practice as a professional landscape architect in Missouri as the practice of landscape architecture is defined in section 327.600;

(16) "Responsible charge", the independent direct control of a licensee's work and personal supervision of such work pertaining to the practice of architecture, engineering, land surveying, or landscape architecture.

327.091. PRACTICE OF ARCHITECTURE DEFINED. — 1. ~~[Any person practices as an architect in Missouri who renders or offers to render or represents himself or herself as willing or able to render service or creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings, specifications and related documents, and the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building structure, building project or integral part or parts of buildings or of any additions or alterations thereto; or who uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect]~~ **The practice of architecture is the rendering of or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, site improvements, in whole or part and including any additions or alterations thereto, as well as to the spaces within and the site surrounding such buildings and structures, which have as their principal purpose human occupancy or habitation. The services referred to include consultation, design surveys, feasibility studies, evaluation, planning, aesthetic and structural design, preliminary design, drawings, specifications, technical submissions, and other instruments of service, the administration of construction contracts, construction observation and inspection, and the coordination of any elements of technical submissions prepared by others, including professional engineers, landscape architects, and other consultants that pertain to the practice of architecture. A person shall be considered to be practicing architecture when such person uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" to indicate or imply that such person is or holds himself or herself out to be an architect. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.**

2. Architects shall be in responsible charge of all architectural design of buildings and structures that can affect the health, safety, and welfare of the public within their scope of practice.

327.101. UNAUTHORIZED PRACTICE PROHIBITED — LICENSURE REQUIRED — EXCEPTIONS, WHEN. — 1. No person shall practice architecture in Missouri as defined in section

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327.091 unless and until there is issued to the person a license or a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified]; ~~provided, however, that nothing in this chapter shall apply to the following persons]~~ .

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of architecture in section 327.091, provided that such persons shall not use the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect:

(1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;

(3) Any holder of a currently valid license or certificate of authority as a professional engineer who performs only such architecture as incidental practice and necessary to the completion of professional services lawfully being performed by such licensed professional engineer;

(4) Any person who is a professional landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a professional landscape architect or planner;

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), or (c) ~~[(d), and (e)]~~ which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:

(a) A dwelling house; or

(b) A multiple family dwelling house, flat or apartment containing not more than two families; or

(c) ~~[A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or~~

~~(d) Any one structure containing less than two thousand square feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or~~

~~(e) A building or structure used exclusively for farm purposes]~~ **Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;**

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned multiple family dwelling house, flat or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect;

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(7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business; or

(8) Any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes.

327.131. APPLICANT FOR LICENSE AS ARCHITECT, QUALIFICATIONS. — Any person may apply to the board for licensure as an architect who is over the age of twenty-one, has acquired an accredited degree from an accredited degree program from a school of architecture, holds a certified Intern Development Program (IDP) or **Architectural Experience Program (AXP)** record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination.

327.191. UNAUTHORIZED PRACTICE PROHIBITED — LICENSURE REQUIRED — EXCEPTIONS, WHEN. — 1. No person shall practice as a professional engineer in Missouri, as defined in section 327.181 unless and until there is issued to such person a professional license or a certificate of authority certifying that such person has been duly licensed as a professional engineer or authorized to practice engineering in Missouri, and unless such license or certificate has been renewed as provided in section 327.261]; ~~provided that section 327.181 shall not be construed to prevent the practice of engineering by the following persons]~~.

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of professional engineering in section 327.181, provided that such persons shall not use the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or use any word or words, letters, figures, degrees, titles, or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering:

(1) Any person who is an employee of a person holding a currently valid license as a professional engineer or who is an employee of a person holding a currently valid certificate of authority pursuant to this chapter, and who performs professional engineering work under the direction and continuing supervision of and is checked by one holding a currently valid license as a professional engineer pursuant to this chapter;

(2) Any person who is a regular full-time employee of a person or any former employee under contract to a person, who performs professional engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service, and does not affect the health, safety, and welfare of the public;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by such person relates to the manufacture, sale or installation of the products of such person, and does not affect the health, safety, and welfare of the public;

(4) Any holder of a currently valid license or certificate of authority as an architect, professional land surveyor, or professional landscape architect who performs only such engineering as incidental practice and necessary to the completion of professional services lawfully being performed by such architect, professional land surveyor, or professional landscape architect;

(5) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any privately owned building described as follows, and who indicates on any drawings, specifications, estimates, reports, or other documents furnished in connection with such services that the person is not a licensed professional engineer:

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- (a) A dwelling house;
- (b) A multiple family dwelling house, flat, or apartment containing no more than two families; or
- (c) Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;
- (6) Any person who renders engineering services in connection with the remodeling or repairing of any privately owned, multiple family dwelling house, flat, or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building, and who indicates on any drawings, specifications, estimates, reports, or other documents furnished in connection with such services that the person is not a licensed professional engineer;
- (7) Any person or corporation who is offering, but not performing or rendering, professional engineering services if the person or corporation is licensed to practice professional engineering in the state or country of residence or principal place of business;
- (8) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agricultural purposes.

327.241. EXAMINATION FOR LICENSURE, REQUIREMENTS.— 1. After it has been determined that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified.

2. The examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

3. Any applicant to be eligible for a license must make a grade on each examination of at least seventy percent.

4. The engineering examination shall consist of two parts; the first part may be taken by any person after such person has satisfied the educational requirements of section 327.221, or who is in his or her final year of study in an accredited school of engineering; and upon passing part one of the examination and providing proof that such person has satisfied the educational requirements of section 327.221 and upon payment of the required fee, such person shall be an engineer-intern, subject to the other provisions of this chapter.

5. Any engineer-intern, as defined in subsection 4 of this section, [~~who has acquired at least four years of satisfactory engineering experience,~~] may take part two of the engineering examination and upon passing it **and having acquired at least four years of satisfactory engineering experience** shall be entitled to receive a license, subject, however, to the other provisions of this chapter.

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide by rule that any person who has graduated from and holds an engineering degree from an accredited school of engineering may thereupon be eligible to take both parts of the engineering examination and that upon passing said examination and acquiring four years of satisfactory engineering experience, after graduating and receiving a degree as aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

7. Any person who has graduated from and has received a degree in engineering from an accredited school of engineering may [~~then acquire four years of satisfactory engineering experience and thereafter~~] take both parts of the examination and upon passing **and having acquired four years of satisfactory engineering experience** shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

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~~[8. Any person entitled to be licensed as a professional engineer as provided in subsection 5, 6, or 7 of this section must be so licensed within four years after the date on which he or she was so entitled, and if one is not licensed within the time he or she is so entitled, the engineering division of the board may require him to take and satisfactorily pass such further examination as provided by rule before issuing to him a license.]~~

327.612. APPLICANTS FOR LICENSURE AS PROFESSIONAL LANDSCAPE ARCHITECT — QUALIFICATIONS. — Any person who ~~[has attained the age of twenty-one years, and]~~ has a degree in landscape architecture from an accredited school of landscape architecture ~~[and]~~, **or possesses an education which in the opinion of the board equals or exceeds the education received by a graduate of an accredited school**, has acquired at least three years satisfactory landscape architectural experience after acquiring such a degree, **and who has taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards** may apply to the board for licensure as a professional landscape architect.

329.034. SHAMPOOING — NO LICENSE REQUIRED, WHEN. — Notwithstanding any other provision of law, the division of professional registration shall not require any person who engages solely in shampooing under the supervision of a licensed barber or cosmetologist to be licensed as a barber or cosmetologist. For purposes of this section, "shampooing" means the act of washing or cleansing hair with shampoo for compensation.

337.068. COMPLAINTS OF PRISONERS — DISPOSITION OF CERTAIN RECORDS. — 1. If the ~~[board]~~ committee finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections or who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or who has been ordered to be evaluated under chapter 552**, and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 337.035 have been violated. Any case file documentation that does not result in the ~~[board]~~ committee filing an action pursuant to subsection 2 of section 337.035 shall be destroyed within three months after the final case disposition by the ~~[board]~~ committee. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

2. Upon written request of the psychologist subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections or prior to August 28, 2008, by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or prior to August 28, 2021, by an individual who has been ordered to be evaluated under chapter 552**, that did not result in the ~~[board]~~ committee filing an action pursuant to subsection 2 of section 337.035, the ~~[board]~~ committee and the division of professional registration, shall in a timely fashion:

- (1) Destroy all documentation regarding the complaint;
- (2) Notify any other licensing board in another state or any national registry regarding the ~~[board's]~~ **committee's** actions if they have been previously notified of the complaint; and
- (3) Send a letter to the licensee that clearly states that the ~~[board]~~ committee found the complaint to be unsubstantiated, that the ~~[board]~~ committee has taken the requested action, and notify the licensee of the provisions of subsection 3 of this section.

3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their psychology professions.

338.010. PRACTICE OF PHARMACY DEFINED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — SHOWMEVAX SYSTEM, NOTICE. — 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; **the dispensing of HIV postexposure prophylaxis pursuant to section 338.730**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such

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rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's **[primary]** health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;

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- (5) The dose administered; and
- (6) The date of administration.

338.730. HIV POSTEXPOSURE PROPHYLAXIS, DISPENSING OF, REQUIREMENTS — DEFINITIONS — RULEMAKING AUTHORITY. — 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV postexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only if the pharmacist follows a written protocol authorized by a licensed physician.

2. For purposes of this section, "postexposure prophylaxis" shall mean any drug approved by the Food and Drug Administration that meets the same clinical eligibility recommendations provided in CDC guidelines.

3. For purposes of this section, "CDC guidelines" shall mean the current HIV guidelines published by the federal Centers for Disease Control and Prevention.

4. The state board of registration for the healing arts and the state board of pharmacy shall jointly promulgate rules and regulations for the administration of this section. Neither board shall separately promulgate rules governing a pharmacist's authority to dispense HIV postexposure prophylaxis under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

339.100. INVESTIGATION OF CERTAIN PRACTICES, PROCEDURE — SUBPOENAS — FORMAL COMPLAINTS — REVOCATION OR SUSPENSION OF LICENSES — DIGEST MAY BE PUBLISHED — REVOCATION OF LICENSES FOR CERTAIN OFFENSES. — 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is

consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense

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reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, or for any offense an essential element of which is fraud, dishonesty or an act of violence, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which:

(a) Is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(b) **Includes a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a business entity licensed under this chapter with whom the licensee is associated. The context of the advertisement or solicitation may be considered by the commission when determining whether a licensee has committed a violation of this paragraph;**

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

339.150. UNLICENSED PERSONS NOT TO BE EMPLOYED, WHEN — NO FEES PAID, WHEN, EXCEPTION — COMPENSATION DIRECTLY TO BUSINESS ENTITY OWNED BY LICENSEE, WHEN — DEFINITIONS. — 1. No real estate broker shall knowingly employ or engage any person to perform any service to the broker for which licensure as a real estate broker or a real estate salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, unless such a person is:

(1) A licensed real estate salesperson or a licensed real estate broker as required by section 339.020; or

(2) For a transaction involving commercial real estate as defined in section 339.710, a person regularly engaged in the real estate brokerage business outside the state of Missouri who has, in such forms as the commission may adopt by rule:

(a) Executed a brokerage agreement with the Missouri real estate broker;

(b) Consented to the jurisdiction of Missouri and the commission;

(c) Consented to disciplinary procedures under section 339.100; and

(d) Appointed the commission as his or her agent for service of process regarding any administrative or legal actions relating to the conduct in Missouri; or

(3) For any other transaction, a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

Any such action shall be unlawful as provided by section 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as provided by section 339.100.

2. No real estate licensee shall pay any part of a fee, commission or other compensation received by the licensee to any person for any service rendered by such person to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such a person is a licensed

real estate salesperson regularly associated with such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate broker who shall refuse to pay any person for services rendered by such person to the broker, with the consent, knowledge and acquiescence of the broker that such person was not licensed as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate for which services a license is required, and who is employed or engaged by such broker to perform such services, shall be liable to such person for the reasonable value of the same or similar services rendered to the broker, regardless of whether or not the person possesses or holds any particular license, permit or certification at the time the service was performed. Any such person may bring a civil action for the reasonable value of his services rendered to a broker notwithstanding the provisions of section 339.160.

4. **Notwithstanding provisions of this chapter to the contrary, a broker may pay compensation directly to a business entity owned by a licensee that has been formed for the purpose of receiving compensation earned by such licensee. A business entity that receives compensation from a broker as provided for in this subsection shall not be required to be licensed under this chapter and shall be owned:**

- (1) Solely by the licensee;
- (2) By the licensee together with the licensee's spouse, but only if the spouse and licensee are both licensed and associated with the same broker, or the spouse is not also licensed; or
- (3) By the licensee and one or more other licensees, but only if all such owners are licensees which are associated with the same broker.

5. For purposes of subsection 4 of this section, the following terms shall mean:

- (1) "Business entity", any corporation, partnership, limited partnership, limited liability company, professional corporation, or association;
- (2) "Licensee", any real estate broker-salesperson or real estate salesperson, as such terms are defined under section 339.010.

375.029. CONTINUING EDUCATION CREDIT, PARTICIPATION IN PROFESSIONAL INSURANCE ASSOCIATION QUALIFIES, WHEN, HOURS — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms mean:

- (1) "Director", the director of the department of commerce and insurance;
- (2) "Insurance producer", a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance.

2. (1) Subject to approval by the director, an insurance producer's active participation as an individual member or employee of a business entity producer member of a local, regional, state, or national professional insurance association may be approved for up to four hours of continuing education credit per each biennial reporting period.

(2) An insurance producer shall not use continuing education credit granted under this section to satisfy continuing education hours required to be completed in a classroom or classroom-equivalent setting or to satisfy any continuing education ethics requirements.

(3) The continuing education hours referenced in subdivision (1) of subsection 2 of this section shall be credited upon the timely filing with the director by the insurance producer of an appropriate written statement in a form acceptable to the director or by a certification from the local, regional, state, or national professional insurance association through written form or electronic filing acceptable to the director.

3. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and

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chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

436.218. DEFINITIONS. — As used in sections 436.215 to 436.272, the following terms mean:

(1) "Agency contract", an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract;

(2) "Athlete agent" ~~], an individual who enters into an agency contract with a student athlete or directly or indirectly recruits or solicits a student athlete to enter into an agency contract. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. The term includes an individual who represents to the public that the individual is an athlete agent]~~ :

(a) An individual, registered or unregistered under sections 436.215 to 436.272, who:

a. Directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

b. For compensation or in anticipation of compensation related to a student athlete's participation in athletics:

(i) Serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(ii) Manages the business affairs of the student athlete by providing assistance with bills, payments, contracts, or taxes; or

c. In anticipation of representing a student athlete for a purpose related to the student athlete's participation in athletics:

(i) Gives consideration to the student athlete or another person;

(ii) Serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or

(iii) Manages the business affairs of the student athlete by providing assistance with bills, payments, contracts, or taxes;

(b) "Athlete agent" does not include an individual who:

a. Acts solely on behalf of a professional sports team or organization; or

b. Is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

(i) Recruits or solicits the student athlete to enter into an agency contract;

(ii) For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student athlete as a professional athlete or member of a professional sports team or organization; or

(iii) Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete;

(3) "Athletic director", an individual responsible for administering the overall athletic program of an educational institution or if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate;

(4) ~~["Contact", a direct or indirect communication between an athlete agent and a student athlete to recruit or solicit the student athlete to enter into an agency contract;~~

~~(S)] "Director", the director of the division of professional registration;~~

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~~[(6)]~~ (5) "Division", the division of professional registration;

(6) **"Educational institution", a public or private elementary school, secondary school, technical or vocational school, community college, college, or university;**

(7) "Endorsement contract", an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance;

(8) **"Enrolled" or "enrolls", the act of registering, or having already registered, for courses at an educational institution and attending or planning to attend athletic practice or class;**

~~[(8)]~~ (9) "Intercollegiate sport", a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics;

(10) **"Interscholastic sport", a sport played between educational institutions that are not community colleges, colleges, or universities;**

(11) **"Licensed, registered, or certified professional", an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing;**

~~[(9)]~~ (12) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity;

~~[(10)]~~ (13) "Professional sports services contract", an agreement under which an individual is employed ~~[or]~~ **as a professional athlete and** agrees to render services as a player on a professional sports team~~;~~ **or** with a professional sports organization~~;~~ ~~or as a professional athlete~~;

~~[(11)]~~ (14) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(15) **"Recruit or solicit", an attempt to influence the choice of an athlete agent by a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete. "Recruit or solicit" does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent;**

~~[(12)]~~ (16) "Registration", registration as an athlete agent under sections 436.215 to 436.272;

(17) **"Sign", the intent to authenticate or adopt a record:**

(a) **To execute or adopt a tangible symbol; or**

(b) **To attach to or logically associate with the record an electronic symbol, sound, or process;**

~~[(13)]~~ (18) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

~~[(14)]~~ (19) "Student athlete", ~~[a current student who engages in, has engaged in, is eligible to engage in, or may be eligible in the future to engage in, any]~~ **an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in any interscholastic or intercollegiate sport. "Student athlete" does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport.**

436.224. CERTIFICATE OF REGISTRATION REQUIRED — ACT AS ATHLETE AGENT WITHOUT CERTIFICATE, WHEN. — 1. Except as otherwise provided in subsection 2 of this section,

an individual may not act as an athlete agent in this state ~~[before]~~ **without** being issued a certificate of registration under section 436.230 or 436.236.

2. ~~[An individual with a temporary license]~~ **Before being issued a certificate of registration** under section 436.236, **an individual** may act as an athlete agent ~~[before being issued a certificate of registration]~~ for all purposes except signing an agency contract if:

(1) A student athlete or another acting on behalf of the student athlete initiates communication with the individual; and

(2) Within seven days after an initial act ~~[as an athlete agent]~~ **that requires the individual to register as an athlete agent**, the individual submits an application to register as an athlete agent in this state.

3. An agency contract resulting from conduct in violation of this section is void. The athlete agent shall return any consideration received under the contract.

436.227. APPLICATION PROCEDURE, CONTENTS — RECIPROCITY, REQUIREMENTS — DIRECTOR TO ISSUE CERTIFICATE, WHEN, DUTIES. — 1. An applicant for registration shall submit an application for registration to the director in a form prescribed by the director. The application ~~[must]~~ **shall** be in the name of an individual and signed by the applicant under penalty of perjury and ~~[must]~~ **shall** state or contain **at least the following**:

(1) The name, **date of birth, and place of birth** of the applicant ~~[and]~~ ;

(2) The address **and telephone numbers** of the applicant's principal place of business;

(3) **The applicant's mobile telephone numbers and any means of communicating electronically, including a facsimile number, email address, and personal, business, or employer websites, as applicable;**

~~[(2)]~~ (4) The name of the applicant's business or employer, if applicable, **including for each business or employer, the mailing address, telephone number, organization form, and the nature of the business;**

(5) **Each social media account with which the applicant or the applicant's business or employer is affiliated;**

~~[(3)]~~ (6) Any business or occupation engaged in by the applicant for the five years ~~[next]~~ preceding the date of submission of the application, **including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time;**

~~[(4)]~~ (7) A description of the applicant's:

(a) Formal training as an athlete agent;

(b) Practical experience as an athlete agent; and

(c) Educational background relating to the applicant's activities as an athlete agent;

~~[(5)]~~ **The names and addresses of three individuals not related to the applicant who are willing to serve as references;**

~~[(6)]~~ (8) The name~~], sport, and last known team for each individual]~~ **of each student athlete** for whom the applicant ~~[provided services]~~ **acted** as an athlete agent during the five years ~~[next]~~ preceding the date of submission of the application **or, if the student athlete is a minor, the name of the parent or guardian of the minor, together with the student athlete's sport and last known team;**

~~[(7)]~~ (9) The names and addresses of all persons who are:

(a) With respect to the athlete agent's business if it is not a corporation, the partners, officers, **managers**, associates, or profit-sharers, **or persons who directly or indirectly hold an equity interest of five percent or greater;** and

(b) With respect to a corporation employing the ~~[athlete agent]~~ **applicant**, the officers, directors, and any shareholder of the corporation with a five percent or greater interest;

(10) A description of the status of any application by the applicant, or any person named under subdivision (9) of this subsection, for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;

~~[(8)]~~ (11) Whether the applicant or any other person named under subdivision ~~[(7)]~~ (9) of this ~~[section]~~ subsection has ~~[been convicted]~~ pled guilty to or been found guilty of a crime that if committed in this state would be a felony or other crime involving moral turpitude, and ~~[a description of the crime]~~ information regarding the crime, including the crime, the law enforcement agency involved, and, if applicable, the date of the verdict and the penalty imposed;

(12) Whether, within fifteen years before the date of application, the applicant or any person named under subdivision (9) of this subsection has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding;

(13) Whether the applicant or any person named under subdivision (9) of this subsection has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, that is not current on the date of the application;

(14) Whether, within ten years before the date of application, the applicant or any person named under subdivision (9) of this subsection was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

~~[(9)]~~ (15) Whether there has been any administrative or judicial determination that the applicant or any other person named under subdivision ~~[(7)]~~ (9) of this ~~[section]~~ subsection has made a false, misleading, deceptive, or fraudulent representation;

~~[(10)]~~ (16) Any instance in which the prior conduct of the applicant or any other person named under subdivision ~~[(7)]~~ (9) of this ~~[section]~~ subsection resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student athlete or educational institution;

~~[(11)]~~ (17) Any sanction, suspension, or disciplinary action taken against the applicant or any other person named under subdivision ~~[(7)]~~ (9) of this ~~[section]~~ subsection arising out of occupational or professional conduct; ~~[and]~~

~~[(12)]~~ (18) Whether there has been any denial of an application for, suspension or revocation of, or refusal to renew the registration or licensure of the applicant or any other person named under subdivision ~~[(7)]~~ (9) of this ~~[section]~~ subsection as an athlete agent in any state;

(19) Each state in which the applicant is currently registered as an athlete agent or has applied to be registered as an athlete agent;

(20) If the applicant is certified or registered by a professional league or players association:

(a) The name of the league or association;

(b) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

(c) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of the certification or registration or any reprimand or censure related to the certification or registration; and

(21) Any additional information as required by the director.

2. In lieu of submitting the application and information required under subsection 1 of this section, an applicant who is registered as an athlete agent in another state may apply for registration as an athlete agent by submitting the following:

(1) A copy of the application for registration in the other state;

(2) A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury; and

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(3) A copy of the certificate of registration from the other state.

3. The director shall issue a certificate of registration to an applicant who applies for registration under subsection 2 of this section if the director determines:

(1) The application and registration requirements of the other state are substantially similar to or more restrictive than the requirements provided under sections 436.215 to 436.272; and

(2) The registration has not been revoked or suspended and no action involving the applicant's conduct as an athlete agent is pending against the applicant or the applicant's registration in any state.

4. For purposes of implementing subsection 3 of this section, the director shall:

(1) Cooperate with national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than sections 436.215 to 436.272; and

(2) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

436.230. CERTIFICATE OF REGISTRATION ISSUED, WHEN — REFUSAL TO ISSUE, WHEN, CONSIDERATIONS — CERTIFICATE RENEWAL, PROCEDURE. — 1. Except as otherwise provided in subsection 2 of this section, the director shall issue a certificate of registration to an individual who complies with section 436.227.

2. The director may refuse to issue a certificate of registration if the director determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to serve as an athlete agent. In making the determination, the director may consider whether the applicant has:

(1) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(2) Made a materially false, misleading, deceptive, or fraudulent representation as an athlete agent or in the application;

(3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(4) Engaged in conduct prohibited by section 436.254;

(5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or been refused renewal of registration or licensure in any state;

(6) Engaged in conduct or failed to engage in conduct the consequence of which was that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student athlete or educational institution; or

(7) Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

3. In making a determination under subsection 2 of this section, the director shall consider:

(1) How recently the conduct occurred;

(2) The nature of the conduct and the context in which it occurred; and

(3) Any other relevant conduct of the applicant.

4. An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the director. The application for renewal ~~must~~ shall be signed by the applicant under penalty of perjury under section 575.040 and shall contain current information on all matters required in an original registration.

5. **An athlete agent registered under subsection 3 of section 436.227 may renew the registration by proceeding under subsection 4 of this section or, if the registration in the other state has been renewed, by submitting to the director copies of the application for renewal in the**

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other state and the renewed registration from the other state. The director shall renew the registration if the director determines:

(1) The registration requirements of the other state are substantially similar to or more restrictive than the requirements provided under sections 436.215 to 436.272; and

(2) The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

6. A certificate of registration or a renewal of a registration is valid for two years.

436.236. TEMPORARY CERTIFICATE OF REGISTRATION PERMITTED, WHEN. — The director may issue a temporary certificate of registration [~~valid for sixty days~~] while an application for registration or renewal is pending.

436.242. CONTRACT REQUIREMENTS AND CONTENT — SEPARATE RECORD FOR MINORS — VIOLATIONS, VOIDED CONTRACT — PARENTAL SIGNATURE REQUIRED FOR MINORS. — 1. An agency contract [~~must~~] shall be in a record signed by the parties.

2. An agency contract [~~must~~] shall state or contain:

(1) **A statement that the athlete agent is registered as an athlete agent in this state and a list of any other states in which the agent is registered as an athlete agent;**

(2) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services;

~~[(2)]~~ (3) The name of any person not listed in the application for registration or renewal who will be compensated because the student athlete signed the agency contract;

~~[(3)]~~ (4) A description of any expenses that the student athlete agrees to reimburse;

~~[(4)]~~ (5) A description of the services to be provided to the student athlete;

~~[(5)]~~ (6) The duration of the contract; and

~~[(6)]~~ (7) The date of execution.

3. An agency contract shall contain in close proximity to the signature of the student athlete a conspicuous notice in boldface type in capital letters stating:

"WARNING TO STUDENT ATHLETE IF YOU SIGN THIS CONTRACT:

(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

(2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT **OR BEFORE THE NEXT ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT;** AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY."

4. **An agency contract shall be accompanied by a separate record signed by the student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete acknowledging that signing the contract may result in the loss of the student athlete's eligibility to participate in the student athlete's sport.**

5. An agency contract that does not conform to this section is voidable by the student athlete or, if the student athlete is a minor, by the parent or guardian of the student athlete. **If the contract is voided, any consideration received by the student athlete from the athlete agent under the contract to induce entering into the contract is not required to be returned.**

~~[5-]~~ 6. The athlete agent shall give a copy of the signed agency contract to the student athlete **or, if the student athlete is a minor, to the parent or guardian of the student athlete** ~~[at the time of signing]~~.

7. If a student athlete is a minor, an agency contract shall be signed by the parent or guardian of the minor, and the notice required by subsection 3 of this section shall be revised accordingly.

436.245. NOTICE OF CONTRACT, WHEN — VIOLATION OF ATHLETE AGENT LAW, EDUCATIONAL INSTITUTION TO NOTIFY DIRECTOR. — 1. As used in this section, "communicating or attempting to communicate" shall mean contacting or attempting to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.

2. Within seventy-two hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in ~~[writing]~~ **a record** of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

3. **If an athlete agent enters into an agency contract with a student athlete and the student athlete subsequently enrolls at an educational institution, the athlete agent shall notify the athletic director of the educational institution of the existence of the contract within seventy-two hours after the agent knows or should have known the student athlete enrolled.**

4. **If an athlete agent has a relationship with a student athlete before the student athlete enrolls in an educational institution and receives an athletic scholarship from the educational institution, the athlete agent shall notify the athletic director of the educational institution of the relationship no later than ten days after the enrollment if the athlete agent knows or should have known of the enrollment and:**

(1) The relationship was motivated in whole or in part by the intention of the athlete agent to recruit or solicit the student athlete to enter an agency contract in the future; or

(2) The athlete agent directly or indirectly recruited or solicited the student athlete to enter an agency contract before the enrollment.

5. **An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:**

(1) The student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete to influence the student athlete or parent or guardian to enter into an agency contract; or

(2) Another individual to have that individual influence the student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete to enter into an agency contract.

6. **If a communication or attempted communication with an athlete agent is initiated by a student athlete or another individual on behalf of the student athlete, the athlete agent shall give notice in a record to the athletic director of any educational institution at which the student athlete is enrolled. The notification shall be made no later than ten days after the communication or attempted communication.**

7. **An educational institution that becomes aware of a violation of sections 436.215 to 436.272 by an athlete agent shall notify the director of the violation and any professional league or players' association with which the educational institution is aware the agent is licensed or registered.**

~~[2-]~~ 8. Within seventy-two hours after entering into an agency contract or before the next athletic event in which the student athlete may participate, whichever occurs first, the student athlete shall in ~~[writing]~~ **a record** inform the athletic director of the educational institution at which the student athlete is enrolled that he or she has entered into an agency contract **and the name and contact information of the athlete agent.**

436.248. CANCELLATION OF CONTRACT, WHEN. — 1. A student athlete **or, if the student athlete is a minor, the parent or guardian of the student athlete** may cancel an agency contract by giving notice in writing to the athlete agent of the cancellation within fourteen days after the contract is signed.

2. A student athlete **or, if the student athlete is a minor, the parent or guardian of the student athlete** may not waive the right to cancel an agency contract.

3. If a student athlete, **parent, or guardian** cancels an agency contract within fourteen days of signing the contract, the student athlete, **parent, or guardian** is not required to pay any consideration under the contract or to return any consideration received from the agent to induce the student athlete to enter into the contract.

436.254. PROHIBITED ACTS. — ~~[4-]~~ An athlete agent ~~[may]~~ **shall not intentionally** ~~[do any of the following with the intent to induce a student athlete to enter into an agency contract]:~~

(1) Give ~~[any]~~ **a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete** materially false or misleading information or make a materially false promise or representation **with the intent to influence the student athlete, parent, or guardian to enter into an agency contract;**

(2) Furnish anything of value to a student athlete ~~[before the student athlete enters into the agency contract;]~~ **or another individual, if to do so may result in loss of the student athlete's eligibility to participate in the student athlete's sport, unless:**

(a) **The athlete agent notifies the athletic director of the educational institution at which the student athlete is enrolled or at which the athlete agent has reasonable grounds to believe the student athlete intends to enroll, no later than seventy-two hours after giving the thing of value; and**

(b) **The student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete acknowledges to the athlete agent in a record that receipt of the thing of value may result in loss of the student athlete's eligibility to participate in the student athlete's sport;**

(3) ~~[Furnish anything of value to any individual other than the student athlete or another registered athlete agent.~~

~~2. An athlete agent may not intentionally:~~

~~(4)]~~ **Initiate contact, directly or indirectly, with a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete to recruit or solicit the student athlete, parent, or guardian to enter into an agency contract unless registered under sections 436.215 to 436.272;**

~~[(2) Refuse or willfully]~~ **(4) Fail to create, retain, or permit inspection of the records required by section 436.251;**

~~[(3) Violate section 436.224 by failing]~~ **(5) Fail to register if required under section 436.224;**

~~[(4)]~~ **(6) Provide materially false or misleading information in an application for registration or renewal of registration;**

~~[(5)]~~ **(7) Predate or postdate an agency contract; or**

~~[(6)]~~ **(8) Fail to notify a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete [prior to] before the student [athlete's] athlete, parent, or guardian [signing] signs an agency contract for a particular sport that the signing [by the student athlete] may [make the student athlete ineligible] result in loss of the student athlete's eligibility to participate [as a student athlete in that] in the student athlete's sport;**

(9) Encourage another individual to do any of the acts described in subdivisions (1) to (8) of this section on behalf of the athlete agent; or

(10) Encourage another individual to assist any other individual in doing any of the acts described in subdivisions (1) to (8) of this section on behalf of the athlete agent.

436.260. EDUCATIONAL INSTITUTION OR STUDENT ATHLETE CAUSE OF ACTION, WHEN, DAMAGES — VIOLATION AN UNFAIR TRADE PRACTICE. — 1. An educational institution ~~[has a right of]~~ **or a student athlete may bring an action for damages** against an athlete agent ~~[or a former student athlete for damages caused by a]~~ **if the institution or student athlete is adversely affected by an act or omission of the athlete agent** in violation of sections 436.215 to 436.272. ~~[In an action under this section, the court may award to the prevailing party costs and reasonable attorney's fees.]~~

(1) **In order for a student athlete to qualify as "adversely affected by an act or omission of the athlete agent" under this section, the student athlete shall demonstrate that he or she was a student athlete and enrolled at the institution at the time the act or omission of the athlete agent occurred and that he or she:**

(a) **Was suspended or disqualified from participation in an interscholastic or intercollegiate sports event by a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or**

(b) **Suffered financial damage.**

(2) **In order for an educational institution to qualify as "adversely affected by an act or omission of the athlete agent" under this section, the institution shall demonstrate that the institution:**

(a) **Was disqualified from participation in an interscholastic or intercollegiate sports event by a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or**

(b) **Suffered financial damage.**

2. ~~[Damages of an educational institution under subsection 1 of this section include losses and expenses incurred because as a result of the activities of an athlete agent or former student athlete the educational institution was injured by a violation of sections 436.215 to 436.272 or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate sanctions.]~~ **A plaintiff who prevails in an action under this section may recover actual damages, costs, and reasonable attorney's fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the athlete agent by or on behalf of the student athlete.**

3. ~~[A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student athlete.]~~

4. ~~Any liability of the athlete agent or the former student athlete under this section is several and not joint.~~

5. ~~Sections 436.215 to 436.272 do not restrict rights, remedies, or defenses of any person under law or equity.]~~ **A violation of any provision of sections 436.215 to 436.272 is an unfair trade practice for purposes of sections 375.930 to 375.948.**

436.263. VIOLATIONS, PENALTIES. — 1. Any ~~[person]~~ **individual** who violates any ~~[provisions]~~ **provision** of sections 436.215 to ~~[436.269]~~ **436.272** is guilty of a class A misdemeanor and liable for a civil penalty not to exceed one hundred thousand dollars.

2. **Any individual who knowingly violates any provision of sections 436.215 to 436.272 is guilty of a class E felony and liable for a civil penalty not to exceed one hundred thousand dollars.**

436.266. UNIFORMITY CONSIDERED IN APPLYING LAW. — In applying and construing sections 436.215 to 436.272, consideration ~~[must]~~ **shall** be given to the need to promote uniformity of the law with respect to the subject matter of sections 436.215 to 436.272 among states that enact it.

~~[436.257. VIOLATION, PENALTY.—The commission of any act prohibited by section 436.254 by an athlete agent is a class B misdemeanor.]~~

Approved June 22, 2021

SS#2 HS HB 297

Enacts provisions relating to institutions of higher education.

AN ACT to repeal sections 162.441, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 170.029, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, and to enact in lieu thereof twenty-two new sections relating to institutions of higher education.

SECTION

- A Enacting clause.
- 161.625 Citation of law — postsecondary information, education costs and alternative career paths — report to department, contents.
- 162.441 Annexation — procedure, alternative — form of ballot.
- 166.400 Citation of law.
- 166.410 Definitions.
- 166.415 Missouri education program, created, board, members, proxies, powers and duties, investments.
- 166.420 Participation agreements, terms and conditions — contribution limitation — penalty.
- 166.425 Board to invest funds, use of funds — not deemed income, when.
- 166.435 State tax exemption.
- 166.440 Assets not state property.
- 166.456 Confidentiality of information.
- 166.502 Definitions.
- 170.029 Career and technical education (CTE) plan — CTE certificates, minimum requirements — curriculum — work groups — recognition of program — rulemaking authority.
- 172.020 Corporate name — powers of curators — restrictions on dealings in real property, timber or minerals, rules — notice.
- 173.035 Resources, website directing students to — rulemaking authority.
- 173.280 Compensation of student athletes permitted, when — grant-in-aid or stipend eligibility not impacted, when — financial development program, purpose — civil action, when — applicability.
- 173.1003 Change in tuition rate to be reported to board — permissible percentage change, exceptions — definitions — differentiated tuition, notice to department, when.
- 174.281 Southeast Missouri State University, mission statement.
- 174.283 Northwest Missouri State University, mission statement.
- 174.285 Harris-Stowe State University, mission statement.
- 174.450 Board of governors to be appointed for certain public institutions of higher education, qualifications, terms — change in congressional districts, effect of.
- 174.453 Board, appointment — certain residency requirements — terms, voting members — term, nonvoting student member — board appointments, Missouri Southern State University, Missouri Western State University, and Southeast Missouri State University.
- 209.610 Agreements, terms and conditions — contribution limits.

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

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

SECTION A. ENACTING CLAUSE. — Sections 162.441, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 170.029, 172.020, 173.035, 173.1003, 174.450, 174.453, and 209.610, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 161.625, 162.441, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, 170.029, 172.020, 173.035, 173.280, 173.1003, 174.281, 174.283, 174.285, 174.450, 174.453, and 209.610, to read as follows:

161.625. CITATION OF LAW — POSTSECONDARY INFORMATION, EDUCATION COSTS AND ALTERNATIVE CAREER PATHS — REPORT TO DEPARTMENT, CONTENTS. — **1.** This section shall be known and may be cited as the "Students' Right to Know Act".

2. Beginning on January 1, 2022, to help each high school student make more informed decisions about the student's future and ensure that the student is adequately aware of the cost of four-year college and other alternative career paths, the department of higher education and workforce development shall collect and compile the following information on an annual basis:

(1) The most in-demand jobs in the state, including starting salary and education level required for such jobs;

(2) The average cost for each public institution of higher education and vocational school in the state;

(3) The average monthly student loan payment of all students in attendance at a public institution of higher education or vocational school in the state, for each public institution of higher education or vocational school in the state;

(4) The average three-year student loan default rate for each public institution of higher education and vocational school in the state;

(5) The average graduation rate for each public institution of higher education and vocational school in the state;

(6) The completion rates for apprenticeship programs, high school credential programs, career and technical education programs, and military first-term enlistments;

(7) The average starting salary for individuals graduating from each public institution of higher education in the state; and

(8) The average starting salary for individuals graduating from each vocational school in the state.

3. Each public institution of higher education and vocational school shall report to the department the information listed in subsection 2 of this section that relates to the particular institution. The department shall collect, compile, and add the information on the department's website. On or before October fifteenth of each year, the link and all relevant instruction material shall be distributed to the department of elementary and secondary education for dissemination to public high schools in the state for public distribution to students by school counselors.

4. The department may execute a memorandum of understanding with any department, agency, or division for information required to be collected by this section.

5. To comply with the requirements of this section, any public institution of higher education, vocational school and the department may use preexisting databases including, but not limited to, the College Scorecard operated by the United States Department of Education and MoJobs.

162.441. ANNEXATION — PROCEDURE, ALTERNATIVE — FORM OF BALLOT. — **1.** If any school district desires to be attached to a community college district organized under sections 178.770 to 178.890 or to one or more adjacent seven-director school districts for school purposes, upon the

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

receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters **at a November election**.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district **at a November election** to attach the district to one or more adjacent seven-director districts and call an election upon the question of such plan.

3. As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district **at a November election** to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. **The community college proposing the annexation shall appear at a public meeting of the school district to which the annexation is being proposed to present the annexation proposal. The school board shall invite the community college to make this presentation at a regularly scheduled meeting no more than one hundred twenty days prior and no less than thirty days prior to the election to present the annexation proposal.** The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

5. The question shall be submitted in substantially the following form:

Shall the _____ school district **become a part of and** be annexed to the _____ [school districts] **community college district** effective the _____ day of _____, _____? **If this proposition is approved, the overall tax levy in the school district will increase by the community college tax levy of \$_____ per \$100 of assessed valuation and all residents of the school district will be eligible for reduced community college tuition at the in-district rate.**

6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

166.400. CITATION OF LAW. — Sections 166.400 to 166.455 shall be known and may be cited as the "Missouri Education [~~Savings~~] Program".

166.410. DEFINITIONS. — [~~Definitions.~~] As used in sections 166.400 to 166.455, except where the context clearly requires another interpretation, the following terms mean:

(1) "Beneficiary", any individual designated by a participation agreement to benefit from payments for qualified education expenses at an eligible educational institution;

(2) "Benefits", the payment of qualified education expenses on behalf of a beneficiary from a savings account during the beneficiary's attendance at an eligible educational institution;

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

- (3) "Board", the Missouri education [savings] program board established in section 166.415;
- (4) "Eligible educational institution", an ~~[institution of postsecondary education]~~ **eligible educational institution** as defined in Section ~~[529(e)(5)]~~ **529** of the Internal Revenue Code, ~~[and institutions of elementary and secondary education as provided in Sections 529(e)(7) and 529(e)(3) of the Internal Revenue Code,]~~ as amended;
- (5) "Financial institution", a bank, insurance company or registered investment company;
- (6) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;
- (7) "Missouri education [savings] program" or "[savings] program", the program created pursuant to sections 166.400 to 166.455;
- (8) "Participant", a person who has entered into a participation agreement pursuant to sections 166.400 to 166.455 for the advance payment of qualified education expenses on behalf of a beneficiary;
- (9) "Participation agreement", an agreement between a participant and the board pursuant to and conforming with the requirements of sections 166.400 to 166.455; and
- (10) "Qualified higher education expenses" or "qualified education expenses", the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section ~~[529(e)(3)]~~ **529** of the Internal Revenue Code, as amended.

166.415. MISSOURI EDUCATION PROGRAM, CREATED, BOARD, MEMBERS, PROXIES, POWERS AND DUTIES, INVESTMENTS. — 1. There is hereby created the "Missouri Education [Savings] Program". The program shall be administered by the Missouri education [savings] program board which shall consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the department of higher education and workforce development, the commissioner of education, the commissioner of the office of administration, the director of the department of economic development, two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tem of the senate and one of whom is selected by the speaker of the house of representatives, and one person having demonstrable experience and knowledge in the area of banking or deposit rate determination and placement of depository certificates of deposit or other deposit investments. Such member shall be appointed by the governor with the advice and consent of the senate. The three appointed members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and shall have qualified. The members of the board shall be subject to the conflict of interest provisions of section 105.452. Any member who violates the conflict of interest provisions shall be removed from the board. In order to establish and administer the [savings] program, the board, in addition to its other powers and authority, shall have the power and authority to:

- (1) Develop and implement the Missouri education [savings] program and, notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the [savings] programs and services consistent with the purposes and objectives of sections 166.400 to 166.455;
- (2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.400 to 166.455, to permit the [savings] program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code and to ensure the [savings] program's compliance with all applicable laws;
- (3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform families with young children regarding methods for financing education and training;
- (4) Enter into agreements with any financial institution, the state or any federal or other agency or entity as required for the operation of the [savings] program pursuant to sections 166.400 to 166.455;
- (5) Enter into participation agreements with participants;

(6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the **[savings]** program;

(7) Invest the funds received from participants in appropriate investment instruments to achieve long-term total return through a combination of capital appreciation and current income;

(8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;

(9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.400 to 166.455 and the rules adopted by the board;

(10) Make provision for the payment of costs of administration and operation of the **[savings]** program;

(11) Effectuate and carry out all the powers granted by sections 166.400 to 166.455, and have all other powers necessary to carry out and effectuate the purposes, objectives and provisions of sections 166.400 to 166.455 pertaining to the **[savings]** program; and

(12) Procure insurance, guarantees or other protections against any loss in connection with the assets or activities of the **[savings]** program.

2. Any member of the board may designate a proxy for that member who will enjoy the full voting privileges of that member for the one meeting so specified by that member. No more than three proxies shall be considered members of the board for the purpose of establishing a quorum.

3. Four members of the board shall constitute a quorum. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. No action shall be taken by the board except upon the affirmative vote of a majority of the members present.

4. The board shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

5. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688. For new contracts entered into after August 28, 2012, board members shall study investment plans of other states and contract with or negotiate to provide benefit options the same as or similar to other states' qualified plans for the purpose of offering additional options for members of the plan. The board may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of ~~his or her~~ **the member's** position in good faith and with that degree of diligence, care and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

6. No investment transaction authorized by the board shall be handled by any company or firm in which a member of the board has a substantial interest, nor shall any member of the board profit directly or indirectly from any such investment.

7. No trustee or employee of the [savings] program shall receive any gain or profit from any funds or transaction of the [savings] program. Any trustee, employee or agent of the [savings] program accepting any gratuity or compensation for the purpose of influencing such trustee's, employee's or agent's action with respect to the investment or management of the funds of the [savings] program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery.

166.420. PARTICIPATION AGREEMENTS, TERMS AND CONDITIONS — CONTRIBUTION LIMITATION — PENALTY. — 1. The board may enter into [savings] program participation agreements with participants on behalf of beneficiaries pursuant to the provisions of sections 166.400 to 166.455, including the following terms and conditions:

(1) A participation agreement shall stipulate the terms and conditions of the [savings] program in which the participant makes contributions;

(2) A participation agreement shall specify the method for calculating the return on the contribution made by the participant;

(3) The execution of a participation agreement by the board shall not guarantee that the beneficiary named in any participation agreement will be admitted to an eligible educational institution, be allowed to continue to attend an eligible educational institution after having been admitted or will graduate from an eligible educational institution;

(4) A participation agreement shall clearly and prominently disclose to participants the risk associated with depositing moneys with the board;

(5) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public; and

(6) A participation agreement shall clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration or services.

2. The board shall establish the maximum amount ~~which~~ **that** may be contributed annually ~~by a participant~~ with respect to a beneficiary.

3. The board shall establish a total contribution limit for savings accounts established under the [savings] program with respect to a beneficiary to permit the [savings] program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code. No contribution may be made to a savings account for a beneficiary if it would cause the balance of all savings accounts of the beneficiary to exceed the total contribution limit established by the board. The board may establish other requirements that it deems appropriate to provide adequate safeguards to prevent contributions on behalf of a beneficiary from exceeding what is necessary to provide for the qualified education expenses of the beneficiary.

4. The board shall establish the minimum length of time that contributions and earnings must be held by the [savings] program to qualify pursuant to section 166.435. Any contributions or earnings that are withdrawn or distributed from a savings account prior to the expiration of the minimum length of time, as established by the board, shall be subject to a penalty pursuant to section 166.430.

166.425. BOARD TO INVEST FUNDS, USE OF FUNDS — NOT DEEMED INCOME, WHEN. — All money paid by a participant in connection with participation agreements shall be deposited as received and shall be promptly invested by the board. Contributions and earnings thereon accumulated on behalf of participants in the [savings] program may be used, as provided in the participation agreement, for qualified education expenses. Such contributions and earnings shall not be considered income for

purposes of determining a participant's eligibility for financial assistance under any state student aid program.

166.435. STATE TAX EXEMPTION. — 1. Notwithstanding any law to the contrary, the assets of the [savings] program held by the board, the assets of any deposit program authorized in section 166.500, and the assets of any qualified tuition [savings] program established pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from the [savings] program, deposit, or other qualified tuition [savings] programs established under Section 529 of the Internal Revenue Code, or refunds of qualified education expenses received by a beneficiary from an eligible educational institution in connection with withdrawal from enrollment at such institution which are contributed within sixty days of withdrawal to a qualified tuition [savings] program of which such individual is a beneficiary shall not be subject to state income tax imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the [savings] program established pursuant to sections 166.400 to 166.455, the deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition [savings] programs established under Section 529 of the Internal Revenue Code, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the [savings] program held by the board, the deposit program, and any qualified tuition [savings] program established under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per [participating] taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified education expenses, not transferred as allowed by 26 U.S.C. Section 529(c)(3)(C)(i), as amended, and any Internal Revenue Service regulations or guidance issued in relation thereto, or are not held for the minimum length of time established by the appropriate Missouri board, then the amount so distributed shall be included in the Missouri adjusted gross income of the participant, or, if the participant is not living, the beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply to tax years beginning on or after January 1, 2004.

166.440. ASSETS NOT STATE PROPERTY. — The assets of the [savings] program shall at all times be preserved, invested and expended only for the purposes set forth in this section and in accordance with the participation agreements, and no property rights therein shall exist in favor of the state.

166.456. CONFIDENTIALITY OF INFORMATION. — All personally identifiable information concerning participants and beneficiaries of accounts established within the Missouri education [savings] program pursuant to sections 166.400 to 166.456 shall be confidential, and any disclosure of such information shall be restricted to purposes directly connected with the administration of the program.

166.502. DEFINITIONS. — As used in sections 166.500 to 166.529, except where the context clearly requires another interpretation, the following terms mean:

(1) "Beneficiary", any individual designated by a participation agreement to benefit from payments for qualified higher education expenses at an eligible educational institution;

- (2) "Benefits", the payment of qualified higher education expenses on behalf of a beneficiary from a deposit account during the beneficiary's attendance at an eligible educational institution;
- (3) "Board", the Missouri education ~~[savings]~~ program board established in section 166.415;
- (4) "Eligible educational institution", an institution of postsecondary education as defined in Section 529(e)(5) of the Internal Revenue Code;
- (5) "Financial institution", a depository institution and any intermediary that brokers certificates of deposits;
- (6) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;
- (7) "Missouri higher education deposit program" or "deposit program", the program created pursuant to sections 166.500 to 166.529;
- (8) "Participant", a person who has entered into a participation agreement pursuant to sections 166.500 to 166.529 for the advance payment of qualified higher education expenses on behalf of a beneficiary;
- (9) "Participation agreement", an agreement between a participant and the board pursuant to and conforming with the requirements of sections 166.500 to 166.529;
- (10) "Qualified higher education expenses", the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section 529(e)(3) of the Internal Revenue Code of 1986, as amended.

170.029. CAREER AND TECHNICAL EDUCATION (CTE) PLAN — CTE CERTIFICATES, MINIMUM REQUIREMENTS — CURRICULUM — WORK GROUPS — RECOGNITION OF PROGRAM — RULEMAKING AUTHORITY. — 1. The state board of education shall develop a statewide plan for career and technical education (CTE) that ensures sustainability, viability, and relevance by matching workforce needs with appropriate educational resources.

2. The state board of education, in consultation with the career and technical education advisory council as established in section 178.550, shall establish minimum requirements for a ~~[career and technical education (CTE)]~~ CTE certificate that a student can earn in addition to ~~[his or her]~~ **the student's** high school graduation diploma. Students entering high school in school year 2017-18 and thereafter shall be eligible to earn a CTE certificate.

~~[2.]~~ **3.** The ~~[state board of education]~~ **statewide plan** shall establish CTE requirements intended to provide students with the necessary technical employability skills to be prepared for an entry-level career in a technical field or additional training in a technical field. The provisions of this section shall not be considered a means for tracking students in order to impel students to particular vocational, career, or college paths. The state board of education shall work with local school districts to ensure that tracking does not occur. For purposes of this section, "tracking" means separating pupils by academic ability into groups for all subjects or certain classes and curriculum.

~~[3.]~~ **4.** Each local school district shall determine the curriculum, programs of study, and course offerings based on the needs and interests of the students in the district **and meeting the requirements of the statewide plan.** As required by Missouri's state plan for career education and the Missouri school improvement program, the state board of education shall work in cooperation with individual school districts to stipulate the minimum number of CTE offerings. Each local school district shall strive to offer programs of study that are economically feasible for students in the district. In establishing CTE offerings, the district may rely on standards, technical coursework, and skills assessments developed for industry-recognized certificates or credentials.

5. To enable school districts to offer CTE programs of study that are current with business and industry standards, the department of elementary and secondary education shall convene work groups from each program area to develop and recommend rigorous and relevant performance standards or course competencies for each program of study. The work groups shall include, but not be limited to, educators providing instruction in each CTE program area,

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advisors from each CTE program area from the department of elementary and secondary education, the department of higher education and workforce development, business and industry, and institutions of higher education. The department of elementary and secondary education shall develop written model curriculum frameworks relating to CTE program areas that may be used by school districts. The requirements of section 160.514 shall not apply to this section.

[4-] 6. No later than January 1, 2017, the department of elementary and secondary education shall develop a process for recognition of a school district's career and technical education program that offers a career and technical education certificate.

[5-] 7. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

172.020. CORPORATE NAME — POWERS OF CURATORS — RESTRICTIONS ON DEALINGS IN REAL PROPERTY, TIMBER OR MINERALS, RULES — NOTICE. — Pursuant to Sections 9(a) and 9(b) of Article IX of the Missouri Constitution, the state university is hereby incorporated and created as a body politic and shall be known by the name of "The Curators of the University of Missouri", and by that name shall have perpetual succession, power to sue and be sued, complain and defend in all courts; to make and use a common seal, and to alter the same at pleasure; to take, purchase and to sell, convey and otherwise dispose of lands and chattels, except that the curators shall not have the power ~~to~~ ~~subdivide, sell or convey title to any land contained within a university campus or~~ to subdivide, sell or convey title to any portion of any parcel of land containing in excess of twenty-five hundred contiguous acres unless such transaction is approved by the general assembly by passage of a concurrent resolution signed by the governor. The curators shall not sell, trade or otherwise convey or permit the severance of timber, minerals or other natural resources, unless the curators comply with bidding procedures established by rule that mandate notice of the transaction be provided in a manner reasonably calculated to apprise prospective purchasers. Such rule or rules must at a minimum require at least one notice of the transaction be published in a newspaper of general circulation where the resources are located. The curators may act as trustee in all cases in which there be a gift of property or property left by will to the university or for its benefit or for the benefit of students of the university; to condemn an appropriate real estate or other property, or any interest therein, for any public purpose within the scope of its organization, in the same manner and with like effect as is provided in chapter 523 relating to the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank or railroad purposes; provided, that if the curators so elect, no assessment of damages or compensation under this law shall be payable and no execution shall issue before the expiration of sixty days after the adjournment of the next regular session of the legislature held after such assessment is made, but the same shall bear interest at the rate of six percent per annum from its date until paid; and provided further, that the curators may, at any time, elect to abandon the proposed appropriation of property by an instrument of writing to that effect, to be filed with the clerk of the court and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages or compensation shall be void.

173.035. RESOURCES, WEBSITE DIRECTING STUDENTS TO — RULEMAKING AUTHORITY.
— 1. The department of higher education and workforce development shall develop, maintain, and

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Matter in bold-face type is proposed language.

operate a website containing information of public ~~[and private]~~ institutions of higher education **and vocational schools** in this state directing students to resources including, but not limited to, academic programs, financial aid, ~~[and]~~ how academic course credit may be transferred from one institution of higher education to another, **and information reported under section 161.625. The department may post information from a private institution of higher education if the private institution desires to report information as provided in this section or the department is authorized by any other state law to post the private institution's information on the website.** The information on the website shall be made available to the public and shall be accessible from various devices including, but not limited to, computers, tablets, and other electronic communication devices.

2. ~~[Inclusion of institution information on the website is voluntary, and institutions of higher education may elect to have institutional information included on the website by notifying the department of higher education and workforce development]~~ **Public institutions of higher education and vocational schools shall, and private institutions of higher education may, report all information listed in this section and any other information required by the department for posting on the website.**

3. The department of higher education and workforce development may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

173.280. COMPENSATION OF STUDENT ATHLETES PERMITTED, WHEN — GRANT-IN-AID OR STIPEND ELIGIBILITY NOT IMPACTED, WHEN — FINANCIAL DEVELOPMENT PROGRAM, PURPOSE — CIVIL ACTION, WHEN — APPLICABILITY. — 1. As used in this section, the following terms mean:

(1) "Postsecondary educational institution", any campus of a public or private institution of higher education in this state that is subject to the coordinating board for higher education under section 173.005;

(2) "Student athlete", an individual who participates or has participated in an intercollegiate sport for a postsecondary educational institution. "Student athlete" shall not be construed to apply to an individual's participation in a college intramural sport or in a professional sport outside of intercollegiate athletics;

(3) "Third party", any individual or entity, including any athlete agent, other than a postsecondary educational institution, athletic conference, or athletic association.

2. (1) No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution from fully participating in intercollegiate athletics without penalty and earning compensation as a result of the use of the student's name, image, likeness rights, or athletic reputation. A student athlete earning compensation from the use of a student's name, image, likeness rights, or athletic reputation shall not affect such student athlete's grant-in-aid or stipend eligibility, amount, duration, or renewal.

(2) No postsecondary educational institution shall interfere with or prevent a student from fully participating in intercollegiate athletics or obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation provided by athlete agents, financial advisors, or legal representation provided by attorneys.

3. A grant-in-aid or stipend from the postsecondary educational institution in which a student is enrolled shall not be construed to be compensation for use of the student's name, image, likeness

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rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall be revoked or reduced as a result of a student earning compensation under this section.

4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage or otherwise advertise for the sponsor during official team activities if such provisions are in conflict with a provision of the postsecondary institution's current licenses or contracts.

(2) Except with the prior written consent of the student athlete's postsecondary educational institution, a student athlete shall not enter into a contract for compensation for the use of such student athlete's name, image, likeness rights, or athletic reputation, if such institution determines that a term of the contract conflicts with a term of a contract to which such institution is a party.

(3) Before any contract for compensation for the use of a student athlete's name, image, likeness rights, or athletic reputation, is executed, and before any compensation is provided to the student athlete in advance of a contract, the student athlete shall disclose that contract to his or her postsecondary educational institution in a manner prescribed by such institution.

(4) A postsecondary educational institution or any officer, director, or employee of such institution or entity shall not compensate or cause compensation to be directed to a student athlete, prospective student athlete, or the family of such individuals for the use of such student athlete or prospective student athlete's name, image, likeness rights, or athletic reputation.

5. No contract of a postsecondary educational institution's athletic program shall prevent a student athlete from receiving compensation for using the student athlete's name, image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official mandatory team activities that are recorded in writing and can be made publicly available upon request.

6. (1) Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of a student athlete's name, image, likeness, or athletic reputation shall conduct a financial development program once per year for their athletes.

(2) The financial development program shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

(3) Postsecondary educational institutions shall help distribute informational materials for such programs as needed.

(4) Postsecondary educational institutions shall inform their athletes of such program meetings and provide appropriate meeting space.

7. Student athlete representation shall be by attorneys or agents licensed by this state.

8. (1) Any student athlete may bring a civil action against third parties that violate this section for appropriate injunctive relief or actual damages, or both. Such action shall be brought in the county where the violation occurred, or is about to occur, and the court shall award damages and court costs to a prevailing plaintiff.

(2) Student athletes bringing an action under this section shall not be deprived of any protections provided under law with respect to a controversy that arises and shall have the right to adjudicate claims that arise under this section.

9. No legal settlement shall conflict with the provisions of this section.

10. This section shall apply only to agreements or contracts entered into, modified, or renewed on or after August 28, 2021. Such agreements or contracts include, but are not limited to, the national letter of intent, an athlete's financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws.

173.1003. CHANGE IN TUITION RATE TO BE REPORTED TO BOARD — PERMISSIBLE PERCENTAGE CHANGE, EXCEPTIONS — DEFINITIONS — DIFFERENTIATED TUITION, NOTICE

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Matter in bold-face type is proposed language.

TO DEPARTMENT, WHEN. — 1. Beginning with the 2008-09 academic year, each approved public institution, as such term is defined in section 173.1102, shall submit its percentage change in the amount of tuition from the current academic year compared to the upcoming academic year to the coordinating board for higher education by July first preceding such academic year.

2. For institutions whose tuition is greater than the average tuition, the percentage change in tuition shall not exceed the percentage change of the consumer price index plus a percentage of not more than five percent that would produce an increase in net tuition revenue no greater than the dollar amount by which the state operating support was reduced for the prior fiscal year, if applicable.

3. For institutions whose tuition is less than the average tuition, the dollar increase in tuition shall not exceed the product of the percentage change of the consumer price index times the average tuition, plus a percentage of not more than five percent that would produce an increase in net tuition revenue no greater than the dollar amount by which the state operating support was reduced for the prior fiscal year, if applicable.

4. If a tuition increase exceeds the limits set forth in subsection 2 or 3 of this section, then the institution shall be subject to the provisions of subsection 5 of this section.

5. Any institution that exceeds the limits set forth in subsection 2 or 3 of this section shall remit to the board an amount equal to five percent of its current year state operating support amount which shall be deposited into the general revenue fund unless the institution appeals, within thirty days of such notice, to the commissioner of higher education for a waiver of this provision. The commissioner, after meeting with appropriate representatives of the institution, shall determine whether the institution's waiver request is sufficiently warranted, in which case no fund remission shall occur. In making this determination, the factors considered by the commissioner shall include but not be limited to the relationship between state appropriations and the consumer price index and any extraordinary circumstances. If the commissioner determines that an institution's tuition percent increase is not sufficiently warranted and declines the waiver request, the commissioner shall recommend to the full coordinating board that the institution shall remit an amount up to five percent of its current year state operating appropriation to the board, which shall deposit the amount into the general revenue fund. The coordinating board shall have the authority to make a binding and final decision, by means of a majority vote, regarding the matter.

6. The provisions of subsections 2 to 5 of this section shall not apply to any community college unless any such community college's tuition for any Missouri resident is greater than or equal to the average tuition. If the provisions of subsections 2 to 5 of this section apply to a community college, subsections 2 to 5 of this section shall only apply to out-of-district Missouri resident tuition.

7. For purposes of this section, the term "average tuition" shall be the sum of the tuition amounts for the previous academic year for each approved public institution that is not excluded under subsection 6 of this section, divided by the number of such institutions. The term "consumer price index" shall mean the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, from January first of the current year compared to January first of the preceding year. The term "state appropriation" shall mean the state operating appropriation for the prior year per full-time equivalent student for the prior year compared to state operating appropriation for the current year per full-time equivalent student for the prior year. The term "tuition" shall mean the amount of tuition and required fees, excluding any fee established by the student body of the institution, charged to a Missouri resident undergraduate enrolled in fifteen credit hours at the institution. The term "state operating support" shall mean the funding actually disbursed from state operating appropriations to approved public institutions and shall not include appropriations or disbursement for special initiatives or specific program additions or expansions. The term "net tuition revenue" shall mean the net amount of resident undergraduate tuition and required fees reduced by institutional aid only. "Institutional aid" includes all aid awarded to the student by the student's institution of higher education only from such institution's

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funds. Institutional aid does not include the following: Pell Grants; state awards such as the Missouri higher education academic scholarship program, the A+ schools program, and the access Missouri financial aid program; foundation scholarships; third-party scholarships; employee and dependent fee waivers; and student loans.

8. Nothing in this section shall be construed to usurp or preclude the ability of the governing board of an institution of higher education to establish tuition or required fee rates.

9. Subsections 2 to 6 shall not apply to any approved public institution, as such term is defined in section 173.1102, or to any community college in any academic year beginning on or after July 1, 2022.

10. When an approved public institution, as such term is defined in section 173.1102, utilizes differentiated tuition, the public institution shall notify the department of higher education and workforce development of the institution's decision and shall, at the point of implementation, no longer utilize required course fees. Course fees may still be utilized by any public institution until such decision is formally announced to the department and implemented.

174.281. SOUTHEAST MISSOURI STATE UNIVERSITY, MISSION STATEMENT. — Southeast Missouri State University is hereby designated and shall hereafter be operated as an institution with a statewide mission in the visual and performing arts, computer science, and cybersecurity.

174.283. NORTHWEST MISSOURI STATE UNIVERSITY, MISSION STATEMENT. — Northwest Missouri State University is hereby designated and shall hereafter be operated as an institution with a statewide mission in educator preparation, emergency and disaster management, and profession-based learning.

174.285. HARRIS-STOWE STATE UNIVERSITY, MISSION STATEMENT. — Harris-Stowe State University is hereby designated and shall hereafter be operated as an institution with a statewide mission in science, technology, engineering, and mathematics (STEM) for underrepresented and underresourced students.

174.450. BOARD OF GOVERNORS TO BE APPOINTED FOR CERTAIN PUBLIC INSTITUTIONS OF HIGHER EDUCATION, QUALIFICATIONS, TERMS — CHANGE IN CONGRESSIONAL DISTRICTS, EFFECT OF. — 1. Except as provided in ~~[subsection 2 and subsection 6]~~ **subsections 2, 6, and 7** of this section, the governing board of the University of Central Missouri, Missouri State University, Missouri Southern State University, Missouri Western State University, and of each other public institution of higher education which, through the procedures established in subdivision (8) or (9) of section 173.030, is charged with a statewide mission shall be a board of governors consisting of eight members, composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which ~~they~~ **such members** were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision (8) or (9) of section 173.030.

2. The governing board of Missouri State University, a public institution of higher education charged with a statewide mission in public affairs, shall be a board of governors of ten members, composed of nine voting members and one nonvoting member, who shall be appointed by the governor,

by and with the advice and consent of the senate. The nonvoting member shall be a student selected in the same manner as prescribed in section 174.055. At least one but no more than two voting members shall be appointed to the board from each congressional district, and every member of the board shall be a citizen of the United States, and a resident of this state for at least two years prior to ~~[his or her]~~ **the member's** appointment. No more than five voting members shall belong to any one political party. The term of office of the governors shall be six years, except as provided in this subsection. The term of office for those appointed hereafter shall end January first in years ending in an odd number. ~~[For the six voting members' terms that expired in 2011, the successors shall be appointed in the following manner:~~

~~(1) Of the five voting members' terms that expired on August 28, 2011, one successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2013;~~

~~(2) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to terms that shall expire on January 1, 2015;~~

~~(3) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to a term that shall expire on January 1, 2017; and~~

~~(4) For the voting member's term that expired on January 1, 2011, the successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2017.~~

~~Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.]~~

3. If a voting member of the board of governors of Missouri State University is found by unanimous vote of the other governors to have moved such governor's residence from the district from which such governor was appointed, then the office of such governor shall be forfeited and considered vacant.

4. Should the total number of Missouri congressional districts be altered, all members of the board of governors of Missouri State University shall be allowed to serve the remainder of the term for which ~~[they]~~ **such members** were appointed.

5. Should the boundaries of any congressional districts be altered in a manner that displaces a member of the board of governors of Missouri State University from the congressional district from which the member was appointed, the member shall be allowed to serve the remainder of the term for which the member was appointed.

6. The governing board of Missouri Southern State University shall be a board of governors consisting of nine members, composed of eight voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party.

7. The governing board of Northwest Missouri State University shall be a board of regents as provided in section 174.332.

174.453. BOARD, APPOINTMENT — CERTAIN RESIDENCY REQUIREMENTS — TERMS, VOTING MEMBERS — TERM, NONVOTING STUDENT MEMBER — BOARD APPOINTMENTS, MISSOURI SOUTHERN STATE UNIVERSITY, MISSOURI WESTERN STATE UNIVERSITY, AND SOUTHEAST MISSOURI STATE UNIVERSITY. — 1. Except as provided in section 174.450 **and in subsection 6 of this section**, the board of governors shall be appointed as follows:

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(1) Five voting members shall be selected from the counties comprising the institution's historic statutory service region as described in section 174.010, except that no more than two members shall be appointed from any one county with a population of less than two hundred thousand inhabitants;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the institution's historic service region; and

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; and

(2) The nonvoting student member shall serve a two-year term.

3. Members of any board of governors selected pursuant to this section and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

4. Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Southern State University shall be appointed as follows:

(1) Six voting members shall be selected from any of the following counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three of these six members shall be appointed from any one county;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and

(4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board members first appointed after August 28, 2004.

5. Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Western State University shall be **composed of eight members** appointed as follows:

(1) Five voting members shall be selected from any of the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb [~~provided that no more than three of these five members shall be appointed from any one county~~];

(2) [~~Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;~~

~~(3)~~ One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and

~~[(4)]~~ **(3)** The provisions of subdivisions (1) and (2) of this subsection shall only apply to board members first appointed after August 28, 2005.

6. (1) Notwithstanding the provisions of subsection 1 of this section to the contrary, the board of governors of Southeast Missouri State University shall be appointed as follows:

(a) Two voting members shall be selected from any of the following counties: Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, or Stoddard;

(b) Two voting members shall be selected from any of the following counties: Bollinger, Cape Girardeau, Madison, Perry, Ste. Genevieve, or St. Francois;

(c) Two voting members shall be selected from any of the following counties or areas: Franklin, Jefferson, Lincoln, St. Charles, St. Louis, St. Louis City, or Warren;

(d) One voting member shall be selected from one of the counties in the state; and

(e) One nonvoting member who is a student shall be selected in the same manner as provided in section 174.055.

(2) The provisions of paragraphs (a) to (c) of subdivision (1) of this subsection shall only apply to board members first appointed after August 28, 2021.

209.610. AGREEMENTS, TERMS AND CONDITIONS — CONTRIBUTION LIMITS. — 1. The board may enter into ABLE program participation agreements with participants on behalf of designated beneficiaries pursuant to the provisions of sections 209.600 to 209.645, including the following terms and conditions:

(1) A participation agreement shall stipulate the terms and conditions of the ABLE program in which the participant makes contributions;

(2) A participation agreement shall specify the method for calculating the return on the contribution made by the participant;

(3) A participation agreement shall clearly and prominently disclose to participants the risk associated with depositing moneys with the board;

(4) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public; and

(5) A participation agreement shall clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration or services.

2. The board shall establish the maximum amount of contributions which may be made annually to an ABLE account, which shall be the same as the amount allowed by 26 U.S.C. Section 529A of the Internal Revenue Code of 1986, as amended.

3. The board shall establish a total contribution limit for savings accounts established under the ABLE program with respect to a designated beneficiary which shall in no event be less than the amount established as the contribution limit by the Missouri education [savings] program board for qualified tuition [savings] programs established under sections 166.400 to 166.450. No contribution shall be made to an ABLE account for a designated beneficiary if it would cause the balance of the ABLE account of the designated beneficiary to exceed the total contribution limit established by the board. The board may establish other requirements that it deems appropriate to provide adequate safeguards to prevent contributions on behalf of a designated beneficiary from exceeding what is necessary to provide for the qualified disability expenses of the designated beneficiary.

4. The board shall establish the minimum length of time that contributions and earnings must be held by the ABLE program to qualify as tax exempt pursuant to section 209.625. Any contributions or earnings that are withdrawn or distributed from an ABLE account prior to the expiration of the minimum length of time, as established by the board, shall be subject to a penalty pursuant to section 209.620.

Approved July 13, 2021

SS HB 345

Enacts provisions relating to civil actions.

AN ACT to repeal sections 435.415 and 537.065, RSMo, and to enact in lieu thereof two new sections relating to civil actions.

SECTION

A Enacting clause.

435.415 Judgment or decree on award — certain arbitration awards not binding, not admissible, and not basis for judgment or decree, when — insurer defined.

537.065 Claimant and tort-feasor may contract to limit recovery to specified assets or insurance contract, when — procedure — applicability to covenant not to execute, requirements — insurer defined.

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

SECTION A. ENACTING CLAUSE. — Sections 435.415 and 537.065, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 435.415 and 537.065, to read as follows:

435.415. JUDGMENT OR DECREE ON AWARD — CERTAIN ARBITRATION AWARDS NOT BINDING, NOT ADMISSIBLE, AND NOT BASIS FOR JUDGMENT OR DECREE, WHEN — INSURER DEFINED. — 1. **Except as provided in subsection 2 of this section,** upon the granting of an order confirming, modifying or correcting an award, judgment or decree shall be entered in conformity therewith and be enforced as any other judgment or decree. Costs of the application and of the proceedings subsequent thereto, and disbursements may be awarded by the court.

2. **Any arbitration award for personal injury, bodily injury, or death or any judgment or decree entered on an arbitration award for personal injury, bodily injury, or death shall not be binding on any insurer, shall not be admissible in evidence in any lawsuit against any insurer for any party to an arbitration award, and shall not provide the basis for any judgment or decree, including any garnishment, against any insurer, unless the insurer has agreed in writing to the arbitration proceeding. Any arbitration award for personal injury, bodily injury, or death or any judgment or decree confirming, modifying, or correcting any arbitration award for personal injury, bodily injury, or death shall not be subject to garnishment, enforcement, or collection from any insurer unless the insurer has agreed in writing to the written arbitration agreement. Unless otherwise required by the insurance contract, an insurer's election not to participate in an arbitration proceeding shall not constitute, nor be construed to be, bad faith. This section shall not apply to any arbitration required by statute or arising out of an arbitration agreement preceding the date of the injury or loss which is the subject of the arbitration.**

3. **As used in this section, the term "insurer" shall include any entity authorized to transact liability insurance business in this state including, but not limited to, any liability insurance company organized, incorporated, or doing business pursuant to the provisions of chapter 379, any entity formed pursuant to section 537.620, any entity which is subject to sections 537.700 to 537.756, or any entity which provides risk management services to any public or private entity.**

537.065. CLAIMANT AND TORT-FEASOR MAY CONTRACT TO LIMIT RECOVERY TO SPECIFIED ASSETS OR INSURANCE CONTRACT, WHEN — PROCEDURE — APPLICABILITY TO COVENANT NOT TO EXECUTE, REQUIREMENTS — INSURER DEFINED. — 1. Any person having an unliquidated claim for damages against a tort-feasor, on account of personal injuries, bodily injuries, or death, ~~provided that, such tort-feasor's insurer or indemnitor has the opportunity to defend the tort-feasor without reservation but refuses to do so,~~ may enter into a contract with such tort-feasor or any insurer on his or her behalf or both **if the insurer has refused to withdraw a reservation of rights or declined coverage for such unliquidated claim,** whereby, in consideration of the payment of a specified amount, the person asserting the claim agrees that in the event of a judgment against the tort-feasor, neither such person nor any other person, firm, or corporation claiming by or through him or her will levy execution, by garnishment or as otherwise provided by law, except against the specific assets listed in the contract and except against any insurer which insures the legal liability of the tort-feasor for such damage and which insurer is not excepted from execution, garnishment or other legal procedure by such contract. Execution or garnishment proceedings in aid thereof shall lie only as to assets of the

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tort-feasor specifically mentioned in the contract or the insurer or insurers not excluded in such contract. Such contract, when properly acknowledged by the parties thereto, may be recorded in the office of the recorder of deeds in any county where a judgment may be rendered, or in the county of the residence of the tort-feasor, or in both such counties, and if the same is so recorded then such tort-feasor's property, except as to the assets specifically listed in the contract, shall not be subject to any judgment lien as the result of any judgment rendered against the tort-feasor, arising out of the transaction for which the contract is entered into.

2. ~~[Before a judgment may be entered against any tort-feasor after such tort-feasor has entered into a contract under this section, the insurer or insurers shall be provided with written notice of the execution of the contract and shall have thirty days after receipt of such notice to intervene as a matter of right in any pending lawsuit involving the claim for damages]~~ **If any action seeking a judgment on the claim against the tort-feasor is pending at the time of the execution of any contract entered into under this section, then, within thirty days after such execution, the tort-feasor shall provide his or her insurer or insurers with a copy of the executed contract and a copy of any such action. If any action seeking a judgment on the claim against the tort-feasor is pending at the time of the execution of any contract entered into under this section but is thereafter dismissed, then, within thirty days after the refiling of that action or the filing of any subsequent action arising out of the claim for damages against the tort-feasor, the tort-feasor shall provide his or her insurer or insurers with a copy of the executed contract and a copy of the refiled or subsequently filed action seeking a judgment on the claim against the tort-feasor. If no action seeking a judgment on the claim against the tort-feasor is pending at the time of the execution of any contract entered into under this section, then, within thirty days after the tort-feasor receives notice of any subsequent action, by service of process or otherwise, the tort-feasor shall provide his or her insurer or insurers with a copy of the executed contract and a copy of any action seeking a judgment on the claim against the tort-feasor.**

3. **No judgment shall be entered against any tort-feasor after such tort-feasor has entered into a contract under this section for at least thirty days after the insurer or insurers have received written notice as provided in subsection 2 of this section.**

4. **Any insurer or insurers who receive notice pursuant to this section shall have the unconditional right to intervene in any pending civil action involving the claim for damages within thirty days after receipt of such notice. Upon intervention pursuant to this section, the intervenor shall have all rights afforded to defendants under the Missouri rules of civil procedure and reasonable and sufficient time to meaningfully assert its position including, but not limited to, the right and time to conduct discovery, the right and time to engage in motion practice, and the right to a trial by jury and sufficient time to prepare for trial. No stipulations, scheduling orders, or other orders affecting the rights of an intervenor and entered prior to intervention shall be binding upon the intervenor. However, nothing in this section shall alter or reduce the intervening insurer's obligations to any insureds other than the tort-feasor, including any co-insureds of the defendant tort-feasor.**

~~[3-]~~ 5. The provisions of this section shall apply to any covenant not to execute or any contract to limit recovery to specified assets, regardless of whether it is referred to as a contract under this section.

6. **All terms of any covenant not to execute or of any contract to limit recovery to specified assets, regardless of whether it is referred to as a contract under this section, shall be in writing and signed by the parties to the covenant or contract. No unwritten term of any covenant not to execute or of any contract to limit recovery to specified assets, regardless of whether it is referred to as a contract under this section, shall be enforceable against any party to the covenant or contract, the insurer of any party to the covenant or contract, or any other person or entity.**

~~[4-]~~ 7. Nothing in this section shall be construed to prohibit an insured from bringing a separate action asserting that the insurer acted in bad faith. **In any such action for bad faith, any agreement**

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between the tort-feasor and the claimant, including any contract under this section, shall be admissible in evidence. The exercise of any rights under this section shall not constitute, nor be construed to be, bad faith.

8. As used in this section, the term "insurer" shall include any entity authorized to transact liability insurance business in this state including, but not limited to, any liability insurance company organized, incorporated, or doing business pursuant to the provisions of chapter 379, any entity formed pursuant to section 537.620, any entity which is subject to sections 537.700 to 537.756, or any entity which provides risk management services to any public or private entity.

Approved June 29, 2021

HCS HB 349

Enacts provisions relating to educational scholarships, with penalty provisions.

AN ACT to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with penalty provisions.

SECTION

- A Enacting clause..
- 135.712 Citation of law — definitions.
- 135.713 Educational assistance organization contribution tax credit — amount, procedure — effective, when.
- 135.714 Educational assistance organization duties — annual audit — duties of state treasurer.
- 135.716 Contribution receipts and reports, standardized formats — state treasurer report, contents — fund created, use of moneys.
- 135.719 Rulemaking authority.
- 166.700 Definitions.
- 166.705 Missouri empowerment scholarship account, written agreement, contents — renewal — withdrawal from program, effect of — moneys tax exempt to parents.
- 166.710 Annual audits of accounts — disqualification from program, when — referral for misuse of money — rulemaking authority.
- 166.715 Misuse of moneys, penalty — financial institutions immunity from liability, when.
- 166.720 Government control or supervision over qualified schools prohibited, when — qualified schools not agents of state — transfer of student, effect of.

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

SECTION A. ENACTING CLAUSE. — Chapters 135 and 166, RSMo, are amended by adding thereto ten new sections, to be known as sections 135.712, 135.713, 135.714, 135.716, 135.719, 166.700, 166.705, 166.710, 166.715, and 166.720, to read as follows:

135.712. CITATION OF LAW — DEFINITIONS. — 1. Sections 135.712 to 135.719 and sections 166.700 to 166.720 establish the "Missouri Empowerment Scholarship Accounts Program" to provide options toward ensuring the education of students in this state.

2. As used in sections 135.712 to 135.719, the following terms mean:

(1) "Educational assistance organization", a charitable organization registered in this state **that is exempt from federal taxation under the Internal Revenue Code of 1986, as amended, that**

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Matter in bold-face type is proposed language.

is certified by the state treasurer, and that allocates all of its annual revenue for educational assistance, except as provided in paragraph (c) of subdivision (4) of subsection 1 of section 135.714 and as provided in sections 135.712 to 135.719, derived from contributions for which a credit is claimed under sections 135.712 to 135.719;

(2) "Parent", a parent, guardian, custodian, or other person with authority to act on behalf of the qualified student;

(3) "Program", the Missouri empowerment scholarship accounts program established under sections 135.712 to 135.719 and sections 166.700 to 166.720;

(4) "Qualified student", the same meaning as used in section 166.700;

(5) "Qualifying contribution", a donation of cash, stocks, bonds, or other marketable securities for purposes of claiming a tax credit under sections 135.712 to 135.719;

(6) "Scholarship account", a savings account created by the Missouri empowerment scholarship accounts program;

(7) "Taxpayer", any of the following that files a Missouri income tax return and is not a dependent of any other taxpayer:

(a) An individual subject to the state income tax imposed by chapter 143;

(b) An individual, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in this state and subject to the state income tax imposed by chapter 143; or

(c) An express company that pays an annual tax on its gross receipts in this state under chapter 153.

135.713. EDUCATIONAL ASSISTANCE ORGANIZATION CONTRIBUTION TAX CREDIT — AMOUNT, PROCEDURE — EFFECTIVE, WHEN. — 1. Any taxpayer who makes a qualifying contribution to an educational assistance organization after the effective date of this section may claim a credit against the tax otherwise due under chapter 143, other than taxes withheld under sections 143.191 to 143.265, and chapter 153 in an amount equal to one hundred percent of the amount the taxpayer contributed during the tax year for which the credit is claimed. No taxpayer shall claim a credit under sections 135.712 to 135.719 for any contribution made by the taxpayer, or an agent of the taxpayer, on behalf of the taxpayer's dependent or, in the case of a business taxpayer, on behalf of the business's agent's dependent.

2. The amount of the tax credit claimed shall not exceed fifty percent of the taxpayer's state tax liability for the tax year for which the credit is claimed. The state treasurer shall certify the tax credit amount to the taxpayer. A taxpayer may carry the credit forward to any of such taxpayer's four subsequent tax years. All tax credits authorized under the program shall not be transferred, sold, or assigned, and are not refundable.

3. The cumulative amount of tax credits that may be allocated to all taxpayers contributing to educational assistance organizations in any one calendar year shall not exceed fifty million dollars, which amount shall be annually adjusted by the state treasurer for inflation based on the consumer price index for all urban consumers for the Midwest region, as defined and officially recorded by the United States Department of Labor or its successor, such annual increase will cease when the amount of tax credits reach seventy-five million dollars. The state treasurer shall establish a procedure by which, from the beginning of the calendar year until August first, the cumulative amount of tax credits shall be allocated on a first-come, first-served basis among all educational assistance organizations. If an educational assistance organization fails to use all, or some percentage to be determined by the state treasurer, of its allocated tax credits during this period, the state treasurer may reallocate these unused tax credits to those educational assistance organizations that have used all, or some percentage to be determined by the state treasurer, of their allocated tax credits during this period. The state treasurer may establish more than one period and reallocate more than once during each calendar year. The state treasurer shall

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establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the calendar year.

4. A taxpayer who makes a contribution to an education assistance organization shall not designate the student who will receive a scholarship grant.

5. The provisions of sections 135.712 to 135.719 and sections 166.700 to 166.720 shall be effective in any fiscal year immediately subsequent to any fiscal year in which the amount appropriated for pupil transportation under section 163.161 equals or exceeds forty percent of the projected amount necessary to fully fund transportation aid funding for fiscal year 2021. If the amount appropriated for transportation under section 163.161 in any succeeding year falls below such amount, no additional scholarships for newly qualified students shall be awarded.

135.714. EDUCATIONAL ASSISTANCE ORGANIZATION DUTIES — ANNUAL AUDIT — DUTIES OF STATE TREASURER. — 1. Each educational assistance organization shall:

(1) Notify the state treasurer of its intent to provide scholarship accounts to qualified students;

(2) Demonstrate to the state treasurer that it is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

(3) Provide a state treasurer-approved receipt to taxpayers for contributions made to the organization;

(4) Ensure that grants are distributed to scholarship accounts of qualified students in the following order:

(a) Qualified students that have an approved "individualized education plan" (IEP) developed under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et seq., as amended or qualified students living in a household whose total annual income does not exceed an amount equal to one hundred percent of the income standard used to qualify for free and reduced price lunches;

(b) Qualified students living in a household whose total annual income does not exceed an amount equal to two hundred percent of the income standard used to qualify for free and reduced price lunches; and

(c) All other qualified students;

(5) Ensure that:

(a) One hundred percent of its revenues from interest or investments is spent on scholarship accounts;

(b) At least ninety percent of its revenues from qualifying contributions is spent on scholarship accounts; and

(c) Marketing and administrative expenses do not exceed the following limits of its remaining revenue from contributions:

a. Ten percent for the first two hundred fifty thousand dollars;

b. Eight percent for the next five hundred thousand dollars; and

c. Three percent thereafter;

(6) Distribute scholarship account payments either four times per year or in a single lump sum at the beginning of the year as requested by the parent of a qualified student, not to exceed a total grant amount equal to the state adequacy target as defined in section 163.011 and calculated by the department of elementary and secondary education, in the form of a deposit into the scholarship account of the qualified student;

(7) Provide the state treasurer, upon request, with criminal background checks on all its employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds;

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- (8) Demonstrate its financial accountability by:
- (a) Submitting to the state treasurer annual audit financial statements by a certified public accountant within six months of the end of the educational assistance organization's fiscal year; and
 - (b) Having an auditor certify that the report is free of material misstatements; and
- (9) Ensure that participating students take the state achievement tests or nationally norm-referenced tests that measure learning gains in math and English language arts, and provide for value-added assessment, in grades that require testing under the statewide assessment system set forth in section 160.518;
- (10) Allow costs of the testing requirements to be covered by the scholarships distributed by the educational assistance organization;
- (11) Provide the parents of each student who was tested with a copy of the results of the tests on an annual basis, beginning with the first year of testing;
- (12) Provide the test results to the state treasurer on an annual basis, beginning with the first year of testing;
- (13) Report student information that would allow the state treasurer to aggregate data by grade level, gender, family income level, and race;
- (14) Provide rates of high school graduation, college attendance, and college graduation for participating students to the state treasurer in a manner consistent with nationally recognized standards;
- (15) Provide to the state treasurer the results from an annual parental satisfaction survey, including information about the number of years that the parent's child has participated in the scholarship program. The annual satisfaction survey shall ask parents of scholarship students to express:
- (a) Their level of satisfaction with the child's academic achievement, including academic achievement at the schools the child attends through the scholarship program versus academic achievement at the school previously attended;
 - (b) Their level of satisfaction with school safety at the schools the child attends through the scholarship program versus safety at the schools previously attended;
- (16) Demonstrate its financial viability, if it is to receive donations of fifty thousand dollars or more during the school year, by filing with the state treasurer before the start of the school year a surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year or other financial information that demonstrates the financial viability of the educational assistance organization.
2. The annual audit required under this section shall include:
- (1) The name and address of the educational assistance organization;
 - (2) The name and address of each qualified student for whom a parent opened a scholarship account with the organization;
 - (3) The total number and total dollar amount of contributions received during the previous calendar year; and
 - (4) The total number and total dollar amount of scholarship accounts opened during the previous calendar year.
3. The state treasurer shall:
- (1) Ensure compliance with all student privacy laws for data in the state treasurer's possession;
 - (2) Collect all test results;
 - (3) Provide the test results and associated learning gains to the public via a state website after the third year of test and test-related data collection. The findings shall be aggregated by the

students' grade level, gender, family income level, number of years of participation in the scholarship program, and race; and

(4) Provide graduation rates to the public via a state website after the third year of test and test-related data collection.

4. An educational assistance organization may contract with private financial management firms to manage scholarship accounts with the supervision of the state treasurer.

135.716. CONTRIBUTION RECEIPTS AND REPORTS, STANDARDIZED FORMATS — STATE TREASURER REPORT, CONTENTS — FUND CREATED, USE OF MONEYS. — 1. The state treasurer shall provide a standardized format for a receipt to be issued by an educational assistance organization to a taxpayer to indicate the value of a contribution received. The department of revenue shall require a taxpayer to provide a copy of this receipt if claiming the tax credit authorized by the program.

2. The state treasurer shall provide a standardized format for educational assistance organizations to report the information required in subsection 1 of this section.

3. The state treasurer or state auditor may conduct an investigation if the state treasurer possesses evidence of fraud committed by the educational assistance organization.

4. The state treasurer may bar an educational assistance organization from participating in the program if the state treasurer establishes that the educational assistance organization has intentionally and substantially failed to comply with the requirements of section 135.714. If the state treasurer bars an educational assistance organization from the program under this subsection, the organization shall notify affected qualified students and their parents of the decision as soon as possible after the decision is made.

5. The state treasurer shall issue a report on the state of the program five years after it goes into effect. The report shall include, but is not limited to:

- (1) Information regarding the finances of the educational assistance organizations; and
- (2) Educational outcomes of qualified students.

6. (1) There is hereby created in the state treasury the "Missouri Empowerment Scholarship Accounts Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used solely by the state treasurer for the purposes of sections 135.712 to 135.719.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. Two percent of the total qualifying contributions received by each educational assistance organization per calendar year shall be deposited in the Missouri empowerment scholarship accounts fund to be used by the state treasurer for marketing and administrative expenses or the costs incurred in administering the program, whichever is less. The state treasurer shall establish procedures to ensure the percentage of funds for administration of the program is directed to the state treasurer in a timely manner with the necessary information to verify the correct amount has been transmitted.

135.719. RULEMAKING AUTHORITY. — 1. The state treasurer and the department of revenue may promulgate rules to implement the provisions of sections 135.712 to 135.719. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter

536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

2. The provisions of section 23.253 of the Missouri sunset act shall not apply to sections 135.712 to 135.719.

166.700. DEFINITIONS. — As used in sections 166.700 to 166.720, the following terms mean:

(1) "Curriculum", a complete course of study for a particular content area or grade level, including any supplemental materials;

(2) "District", the same meaning as used in section 160.011;

(3) "Educational assistance organization", the same meaning as used in section 135.712;

(4) "Parent", the same meaning as used in section 135.712;

(5) "Private school", a school that is not a part of the public school system of the state of Missouri and that charges tuition for the rendering of elementary or secondary educational services;

(6) "Program", the same meaning as used in section 135.712;

(7) "Qualified school", a home school as defined in section 167.031 or any of the following entities that is incorporated in Missouri and that does not discriminate on the basis of race, color, or national origin:

(a) A charter school as defined in section 160.400;

(b) A private school;

(c) A public school as defined in section 160.011; or

(d) A public or private virtual school;

(8) "Qualified student", any elementary or secondary school student who is a resident of this state and resides in any county with a charter form of government or any city with at least thirty thousand inhabitants who:

(a) Has an approved "individualized education plan" (IEP) developed under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et seq., as amended; or

(b) Is a member of a household whose total annual income does not exceed an amount equal to two hundred percent of the income standard used to qualify for free and reduced price lunches, and meets at least one of the following qualifications:

a. Attended a public school as a full-time student for at least one semester during the previous twelve months; or

b. Is a child who is eligible to begin kindergarten or first grade under sections 160.051 to 160.055.

166.705. MISSOURI EMPOWERMENT SCHOLARSHIP ACCOUNT, WRITTEN AGREEMENT, CONTENTS — RENEWAL — WITHDRAWAL FROM PROGRAM, EFFECT OF — MONEYS TAX EXEMPT TO PARENTS. — 1. A parent of a qualified student may establish a Missouri empowerment scholarship account for the student by entering into a written agreement with an educational assistance organization. The agreement shall provide that:

(1) The qualified student shall enroll in a qualified school and receive an education in at least the subjects of English language arts, mathematics, social studies, and science;

(2) Except for a qualified student who is in the custody of the state, the qualified student shall not be enrolled in a public school operated by, or a charter school located within, the qualified student's district of residence and shall release the district of residence from all obligations to educate the qualified student while the qualified student is enrolled in the program. This

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

subdivision shall not be construed to relieve the student's district of residence from the obligation to conduct an evaluation for disabilities;

(3) The qualified student shall receive a grant, in the form of moneys deposited in accordance with section 135.714, in the qualified student's Missouri empowerment scholarship account;

(4) The moneys deposited in the qualified student's Missouri empowerment scholarship account shall be used only for the following expenses of the qualified student:

(a) Tuition or fees at a qualified school;

(b) Textbooks required by a qualified school;

(c) Educational therapies or services from a licensed or accredited practitioner or provider including, but not limited to, licensed or accredited paraprofessionals or educational aides;

(d) Tutoring services;

(e) Curriculum;

(f) Tuition or fees for a private virtual school;

(g) Fees for a nationally standardized norm-referenced achievement test, advanced placement examinations, international baccalaureate examinations, or any examinations related to college or university admission;

(h) Fees for management of the Missouri empowerment scholarship account by firms selected by the educational assistance organization;

(i) Services provided by a public school including, but not limited to, individual classes and extracurricular programs;

(j) Computer hardware or other technological devices that are used to help meet the qualified student's educational needs and that are approved by an educational assistance organization;

(k) Fees for summer education programs and specialized after-school education programs;

(l) Transportation costs for mileage to and from a qualified school; and

(5) Moneys deposited in the qualified student's Missouri empowerment scholarship account shall not be used for the following:

(a) Consumable educational supplies including, but not limited to, paper, pens, pencils, or markers;

(b) Tuition at a private school located outside of the state of Missouri; and

(c) Payments or reimbursements to any person related within the third degree of consanguinity or affinity to a qualified student.

2. Missouri empowerment scholarship accounts are renewable on an annual basis upon request of the parent of a qualified student. Notwithstanding any changes to the qualified student's multidisciplinary evaluation team plan, a student who has previously qualified for a Missouri empowerment scholarship account shall remain eligible to apply for renewal until the student completes high school and submits scores to the state treasurer from a nationally standardized norm-referenced achievement test, advanced placement examination, international baccalaureate examination, or any examination related to college or university admission purchased with Missouri empowerment scholarship account funds.

3. A signed agreement under this section shall satisfy the compulsory school attendance requirements of section 167.031.

4. A qualified school or a provider of services purchased under this section shall not share, refund, or rebate any Missouri empowerment scholarship account moneys with the parent or qualified student in any manner.

5. If a qualified student withdraws from the program by enrolling in a school other than a qualified school or is disqualified from the program under the provisions of section 166.710, the qualified student's Missouri empowerment scholarship account shall be closed and any remaining funds shall be returned to the educational assistance organization for redistribution to

other qualified students. Under such circumstances, the obligation to provide an education for such student shall transfer back to the student's district of residence.

6. Any funds remaining in a qualified student's Missouri empowerment scholarship account at the end of a school year shall remain in the account and shall not be returned to the educational assistance organization. Any funds remaining in a qualified student's Missouri empowerment scholarship account upon graduation from a qualified school shall be returned to the educational assistance organization for redistribution to other qualified students.

7. Moneys received under sections 166.700 to 166.720 shall not constitute Missouri taxable income to the parent of the qualified student.

166.710. ANNUAL AUDITS OF ACCOUNTS — DISQUALIFICATION FROM PROGRAM, WHEN — REFERRAL FOR MISUSE OF MONEY — RULEMAKING AUTHORITY. — 1. Beginning in the 2023-24 school year and continuing thereafter, the state treasurer shall conduct or contract for annual audits, and may conduct or contract for random and quarterly audits as needed, of Missouri empowerment scholarship accounts to ensure compliance with the requirements of subsection 1 of section 166.705.

2. A parent, qualified student, or vendor may be disqualified from program participation if the state treasurer, or the state treasurer's designee, finds the party has committed an intentional program violation consisting of any misrepresentation or other act that materially violates any law or rule governing the program. The state treasurer may remove any parent or qualified student from eligibility for a Missouri empowerment scholarship account. A parent may appeal the state treasurer's decision to the administrative hearing commission. A parent may appeal the administrative hearing commission's decision to the circuit court of the county in which the student resides.

3. The state treasurer may refer cases of substantial misuse of moneys to the attorney general for investigation if the state treasurer obtains evidence of fraudulent use of an account.

4. The state treasurer shall promulgate rules containing the following to implement and administer the program:

- (1) Procedures for conducting examinations of use of account funds;
- (2) Procedures for conducting random, quarterly, and annual reviews of accounts;
- (3) Creation of an online anonymous fraud reporting service;
- (4) Creation of an anonymous telephone hotline for fraud reporting; and
- (5) A surety bond requirement for educational assistance organizations.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

166.715. MISUSE OF MONEYS, PENALTY — FINANCIAL INSTITUTIONS IMMUNITY FROM LIABILITY, WHEN. — 1. A person commits a class A misdemeanor if the person is found to have knowingly used moneys granted under section 135.714 for purposes other than those provided for in sections 166.700 to 166.720.

2. No financial institution shall be liable in any civil action for providing a scholarship account's financial information to the state treasurer unless the information provided is false and the financial institution providing the false information does so knowingly and with malice.

166.720. GOVERNMENT CONTROL OR SUPERVISION OVER QUALIFIED SCHOOLS PROHIBITED, WHEN — QUALIFIED SCHOOLS NOT AGENTS OF STATE — TRANSFER OF STUDENT, EFFECT OF. — 1. Sections 166.700 to 166.720 shall not be construed to permit any governmental agency to exercise control or supervision over any qualified school in which a qualified student enrolls other than a qualified school that is a public school.

2. A qualified school, other than a qualified school that is a public school, that accepts a payment from a parent under sections 166.700 to 166.720 shall not be considered an agent of the state or federal government due to its acceptance of the payment.

3. A qualified school shall not be required to alter its creed, practices, admissions policy, or curriculum in order to accept students whose parents pay tuition or fees from a Missouri empowerment scholarship account to participate as a qualified school.

4. (1) Any qualified student receiving a Missouri empowerment scholarship who leaves a public school or charter school, as such terms are defined in chapter 160, in the qualified student's resident school district to enroll in a qualified school that is not the qualified student's resident school district shall continue to be counted in the resident public school or charter school's weighted average daily attendance as a resident student for the purposes of determining state and federal aid for the qualified student's resident school district or charter school.

(2) The qualified student will continue to be counted for such purpose as provided:

(a) For five years after the qualified student no longer attends school in the qualified student's resident school district;

(b) Until any calendar year that the qualified student no longer receives grant money in their scholarship account;

(c) Until the qualified student is counted in the weighted average daily attendance for a public school or charter that they are a resident student in; or

(d) Until the qualified student graduates.

(3) The educational assistance organization and the state treasurer shall provide the necessary information to the department of elementary and secondary education to allow the federal and state aid to continue to the public school or charter school in the qualified student's resident school district previously attended by the qualified student.

(4) The provisions of this subsection shall terminate five years after the effective date of this section.

5. In any legal proceeding challenging the application of sections 166.700 to 166.720 to a qualified school, the state shall bear the burden of establishing that the law is necessary and does not impose any undue burden on qualified schools.

6. The provisions of section 23.253 of the Missouri sunset act shall not apply to sections 166.700 to 166.720.

Approved July 14, 2021

SS HCS HB 369

Enacts provisions relating to land management, with penalty provisions.

AN ACT to repeal sections 270.170, 270.180, 270.260, 270.270, 270.400, 316.250, 537.346, 537.347, and 537.348, RSMo, and to enact in lieu thereof thirteen new sections relating to land management, with penalty provisions.

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

SECTION

- A Enacting clause..
- 253.387 Antioch Cemetery in Clinton, department of natural resources authorized to purchase — procedure — fund created, use of moneys.
- 270.170 Domestic swine taken up — notice to owner.
- 270.180 Proceedings before magistrate for sale — escheats.
- 270.260 Release of swine to live in wild or feral state, penalties.
- 270.270 Feral swine, possessing or transporting through public land, penalty.
- 270.400 Killing of feral swine, permitted when — violations, penalty.
- 316.250 Ethan's Law — maintenance of adequate insurance required, when — definitions — violations, penalty.
- 537.328 Private campgrounds, immunity from liability for inherent risks of camping — liability, when — signage.
- 537.346 Landowner owes no duty of care to persons entering without fee to keep land safe for recreational use — immunity from liability for injuries of trespasser on land adjacent to park or trail.
- 537.347 Landowner directly or indirectly invites or permits persons on land for recreation or wildlife management, effect.
- 537.348 Landowner liable, when — definitions.
- 537.354 Prescribed burning act — definitions — immunity from liability, when — inapplicability, when.
- 542.525 Surveillance or game cameras on private property, state and local government prohibited from placing without landowner consent.

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

SECTION A. ENACTING CLAUSE. — Sections 270.170, 270.180, 270.260, 270.270, 270.400, 316.250, 537.346, 537.347, and 537.348, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 253.387, 270.170, 270.180, 270.260, 270.270, 270.400, 316.250, 537.328, 537.346, 537.347, 537.348, 537.354, and 542.525, to read as follows:

253.387. ANTIOCH CEMETERY IN CLINTON, DEPARTMENT OF NATURAL RESOURCES AUTHORIZED TO PURCHASE — PROCEDURE — FUND CREATED, USE OF MONEYS. — 1. As provided in Article III, Section 48 of the Constitution of Missouri, the department of natural resources is hereby authorized to acquire by purchase, from funds appropriated or otherwise available to the department, or to acquire by gift, if such gift is unencumbered by any lien or mortgage, the Antioch Cemetery, a historic cemetery wherein is interred freed African-American slaves and their descendants, for the purpose of historic preservation and to inform and educate future generations to the contribution and sacrifice of freed African-American slaves and descendants to their country and to preserve for posterity this historic site located at 2300 Antioch Road, Clinton, Missouri, to be operated and maintained by the division of state parks within the department of natural resources. The cemetery is hereby designated as a state historic site.

2. In acquiring this cemetery, which may include both real and personal property, the department shall make adequate provisions for the proper care, maintenance, and safekeeping of the property. The department may contract for maintenance of the property.

3. The attorney general shall approve the form of the instrument of conveyance.

4. Upon acquisition of the property, the department shall allow for burials to continue in the same manner as they had been conducted prior to acquisition until all burial plots have been purchased. The department shall charge no more than one hundred dollars per burial credited to the Antioch cemetery fund established in this section and shall not be liable for any additional costs associated with any burial. The department shall not be responsible for active burials.

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

5. (1) There is hereby created in the state treasury the "Antioch Cemetery Fund", which shall consist of gifts, bequests, and moneys donated or collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

270.170. DOMESTIC SWINE TAKEN UP — NOTICE TO OWNER. — [~~+~~] If any **domestic swine** [~~or sheep~~] shall be found running at large, contrary to the provisions of this chapter, it shall be lawful for any person on whose premises said swine [~~or sheep~~] shall be found to restrain the same forthwith, and give the owner, if known, notice in writing that such person has restrained said swine [~~or sheep~~], and the amount of damages such person claims in the premises, and requiring the owner to take said swine [~~or sheep~~] away and pay such damages; and such owner shall pay such person a reasonable sum for taking up, feeding and caring for the same, and the actual damages done by said swine [~~or sheep~~]. If such owner fails to comply with the provisions of this section within three days after receiving such notice, or if the owner of such swine [~~or sheep~~] be unknown, such swine [~~or sheep~~] shall be disposed of in the manner provided for in section 270.180.

~~[2. Any swine not conspicuously identified by ear tags or other forms of identification that were born in the wild or that lived outside of captivity for a sufficient length of time to be considered wild by nature by hiding from humans or being nocturnal shall be considered feral hogs. Any person may take or kill such feral hogs on such person's own property.]~~

270.180. PROCEEDINGS BEFORE MAGISTRATE FOR SALE — ESCHEATS. — 1. If the owner of any **domestic swine** [~~or sheep~~] taken up under the provisions of this chapter be unknown, after three days' diligent inquiry by the taker-up, or if the owner of any swine [~~or sheep~~] taken up under the provisions of this chapter shall not, within three days after receiving notice as provided for in section 270.170, comply with the provisions of this chapter, the taker-up of such swine [~~or sheep~~] shall apply to an associate circuit judge of the county for the sale of such swine [~~or sheep~~] according to law.

2. Such associate circuit judge, being satisfied that the provisions of this chapter have been complied with, shall order the same to be sold by the sheriff after the expiration of fifteen days, who shall give notice and sell the same in the same manner as personal property may be sold on execution by a sheriff; and after paying the costs of sale, and of taking up and keeping the swine [~~or sheep~~], and all damages done by the same, such sheriff shall pay the balance, if there be any, over to the county treasurer, and take [~~his~~] a receipt therefor; which balance shall be subject to the order of the owner of such swine [~~or sheep~~], if called for within twelve months after the sale, but if not called for, the same shall be turned over to the school fund of the county.

270.260. RELEASE OF SWINE TO LIVE IN WILD OR FERAL STATE, PENALTIES. — 1. Any person who recklessly or knowingly releases any swine to live in a wild or feral state upon any public land or private land not completely enclosed by a fence capable of containing such animals is guilty of a class A misdemeanor **and may be sentenced to pay a fine up to two thousand dollars.** Each swine so released shall be a separate offense.

2. Every person who has previously been found guilty of violating the provisions of this section, committed on [~~two~~] a separate [~~occasions~~] **occasion** where such offense occurred within ten years of the date of the occurrence of the present offense and who subsequently is found guilty of violating this section shall be guilty of a class E felony. **Each swine so released shall be a separate offense.**

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

3. Nothing in this section shall be construed to criminalize the accidental escape of domestic swine **or the release into a facility under a department of conservation permit or to hinder the ability to transport domestic swine to market or slaughter.**

4. **Nothing in this section shall be construed to prohibit the right of an individual to farm or raise livestock.**

270.270. FERAL SWINE, POSSESSING OR TRANSPORTING THROUGH PUBLIC LAND, PENALTY. — 1. **(1)** Any person possessing or transporting live ~~[Russian or European wild boar or wild-caught swine]~~ **feral swine, as defined in section 270.400,** on or through public land ~~[without a Missouri department of agriculture permit]~~ is guilty of a class A misdemeanor.

(2) Every person who has previously been found guilty of violating the provisions of this section, committed on a separate occasion where such offense occurred within ten years of the date of the occurrence of the present offense and who subsequently is found guilty of violating this section shall be guilty of a class E felony.

(3) Each violation of this subsection shall be a separate offense.

(4) Nothing in this section shall apply to the possession of the offspring of domestic swine that are unintentionally sired by feral swine, as defined in section 270.400, and are reported to the state veterinarian within thirty days of birth and within fifteen days before slaughter.

2. Any law enforcement officer, any agent of the conservation commission, or the state veterinarian is authorized to enforce the provisions of this section, section 270.260, and section 270.400.

270.400. KILLING OF FERAL SWINE, PERMITTED WHEN — VIOLATIONS, PENALTY. — 1. For purposes of this section, the following terms mean:

(1) "Feral ~~[hog]~~ **swine**", any ~~[hog, including Russian and European wild boar, that is not conspicuously identified by ear tags or other forms of identification and is roaming freely upon public or private lands without the landowner's permission]~~ **swine that is born, living, or has lived in the wild, and the offspring of such swine. For purposes of this subdivision, "in the wild" means not confined by humans to pens, houses, or other facilities designed to hold swine and prevent their escape;**

(2) "Landowner's agent", any person who has permission from a landowner to be present on the landowner's property.

2. A person may kill a feral ~~[hog]~~ **swine** roaming freely upon such person's land and shall not be liable to the owner of the ~~[hog]~~ **swine** for the loss of the ~~[hog]~~ **swine.**

3. Any person may take or kill a feral ~~[hog]~~ **swine** on public land or private land with the consent of the **public landowner or the private landowner;** except that, during the firearms deer and turkey hunting season, the regulations of the Missouri wildlife code shall apply. Such person shall not be liable to the owner of the ~~[hog]~~ **swine** for the loss of such ~~[hog]~~ **swine.**

4. No person except a landowner or such landowner's agent on such landowner's property shall take, attempt to take, or kill a feral ~~[hog]~~ **swine** with the use of an artificial light **or thermal imagery.**

5. ~~[The director of the department of agriculture shall promulgate rules for fencing and health standards for Russian and European wild boar and wild-caught swine held alive on private land. Any person holding Russian or European wild boar or wild-caught swine on private land shall annually submit an application to the department for a permit. Any applicant that successfully meets the requirements under this section as determined by the department and pays an application fee shall be issued a permit.]~~

6. ~~[Russian and European wild boar and wild-caught swine may move only from a farm to a farm or directly to slaughter or to a slaughter only market. The department shall promulgate rules for exemption permits and a fee structure to offset the actual and necessary costs incurred to enforce the provisions of this section.]~~

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

7. (1) There is hereby created in the state treasury the "Animal Health Fund", which shall consist of all fees and administrative penalties collected by the department of agriculture under this section and section 270.260. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation, moneys in the fund shall be used for the administration of this section and section 270.260.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) ~~The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.~~

8. Any person who violates subsection 2 of section 270.260 may, in addition to the penalty imposed under section 270.260, be assessed an administrative penalty of up to one thousand dollars per violation. Any person who is assessed an administrative penalty under this section shall be notified in writing of the right to appeal. Such person may request a hearing before the director of the department of agriculture. Such request shall be made in writing no later than thirty days after the date on which the person was notified of the violation of section 270.260.

9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

~~10.] Any person who violates subsection 3 or 4 of this section is guilty of a class A misdemeanor. Each violation of subsection 3 or 4 of this section shall be a separate offense.~~

6. Nothing in this section shall be construed to apply to the accidental escape of domestic swine.

316.250. ETHAN'S LAW — MAINTENANCE OF ADEQUATE INSURANCE REQUIRED, WHEN — DEFINITIONS — VIOLATIONS, PENALTY. — 1. This section shall be known and may be cited as "Ethan's Law".

2. Every owner of a for-profit private swimming pool or facility shall maintain adequate insurance coverage in an amount of not less than one million dollars per occurrence for any liability incurred in the event of injury or death of a patron to such swimming pool or facility, including any liability incurred under paragraph ~~[(b)]~~ (a) of subdivision (3) of section 537.348. Such owners shall be required to register with the department of public safety and provide proof of such insurance coverage at the time of registration and when requested by any state or local governmental agency responsible for the enforcement of this section.

3. As used in this section, the following terms shall mean:

(1) "Owner", the owner of the land, including but not limited to a lessee, tenant, mortgagee in possession and the person in charge of the land on which a swimming pool is located;

(2) "Swimming pool or facility", any for-profit privately owned tank or body of water with a capacity of less than five hundred patrons which charges a fee per admission and is used and maintained for swimming or bathing purposes which has a maximum depth of greater than twenty-four inches. "Swimming pool or facility" shall include, but not be limited to, a swimming pool on lands in connection with the operation of any type of for-profit privately owned amusement or recreational park. "Swimming pool or facility" does not include a swimming pool or facility owned by a hotel, motel, public or governmental body, agency, or authority, a naturally occurring body of water or stream, or a body of water established by a person or persons and used for watering livestock, irrigation, or storm water management.

4. Any owner who violates the provisions of this section shall not be permitted to remain in operation until such owner meets the requirements of this section. Any such owner who allows operation of a swimming pool or facility in violation of this section shall be subject to a civil penalty of two hundred fifty dollars per day for each day of continued violation up to a maximum of ten thousand dollars and may be subject to liability for the costs incurred by the state or a political subdivision for enforcing the provisions of this section. In a separate court action, the attorney general may seek reimbursement on behalf of the state and a political subdivision may seek reimbursement on behalf of the political subdivision for costs incurred as a result of enforcing the provisions of this section. For purposes of this section, "each day of the violation" means each day that the swimming pool is operational and open for business and remains in violation of this section. It shall not include days that the swimming pool is not operational and open for business.

5. In addition, any owner who intentionally violates the provisions of this section is guilty of a class A misdemeanor. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

6. The department of public safety shall implement and, with the assistance of local law enforcement agencies, enforce the provisions of this section.

7. An insurance company providing insurance coverage under this section shall notify the department of public safety if any owner of a swimming pool or facility as defined in this section terminates, cancels, or fails to renew such coverage. The department may utilize local law enforcement agencies to enforce the provisions of this section.

537.328. PRIVATE CAMPGROUNDS, IMMUNITY FROM LIABILITY FOR INHERENT RISKS OF CAMPING — LIABILITY, WHEN — SIGNAGE. — 1. As used in this section, the following terms mean:

(1) "Camping", all aspects of visiting, staying at, using, and leaving a private campground, including lodging of all types;

(2) "Inherent risks of camping", those dangers, hazards, or conditions that are an integral part of camping including, but not limited to, the following:

(a) Features of the natural world, such as trees, tree stumps, naturally occurring infectious agents, roots, brush, rocks, mud, sand, standing and moving water, and soil;

(b) Uneven and unpredictable terrain;

(c) Natural bodies of water and accessories permitting the use of natural bodies of water, including piers, docks, swimming and aquatic sports, or recreation facilities or areas;

(d) A lack of lighting, including lighting at campsites;

(e) Campfires contained in or outside a fire pit or an enclosure provided by the private campground, bonfires, grass or brush fires, wildfires, and forest fires;

(f) Weather and weather-related events;

(g) Insects, birds, and other wildlife;

(h) Animals of other campers or visitors that cause injury, unless the private campground owner or an employee or officer of the private campground owner has accepted responsibility for care of the animal;

(i) A violation of safety rules or a disregard for signs or other methods of communicating warnings;

(j) Another camper or visitor at the private campground acting in a negligent manner, if the private campground owner or an employee or officer of the private campground owner is not involved;

(k) Actions by a camper or visitor that exceed his or her physical limitations or abilities;

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

(l) Actions by a camper or visitor involving climbing, rappeling, caving, mountaineering, or any other related activity;

(m) Damage caused by fireworks from a camper, visitor, or offsite entity not authorized by the private campground owner or employee or officer of a private campground owner; and

(n) Any person coming onto the campsite not reported to the private campground owner or an employee or officer of the private campground owner;

(3) "Private campground", any parcel or tract of land, including buildings and other structures, that is owned or operated by a private property owner where five or more campsites are made available for use as temporary living quarters for recreational, camping, travel, or seasonal use. The term "private campground" shall also include recreational vehicle parks.

2. Except as provided in subsection 4 of this section, a private campground owner or an employee or officer of a private campground owner shall not be liable for acts or omissions related to camping at a private campground if a person is injured or killed or property is damaged as a result of an inherent risk of camping.

3. This section shall not apply to any employer-employee relationship governed by the provisions of chapter 287.

4. The provisions of subsection 2 of this section shall not prevent or limit liability of a private campground owner or an employee or officer of a private campground owner who:

(1) Intentionally causes the injury, death, or property damage;

(2) Acts with a willful or wanton disregard for the safety of the person or property damaged. As used in this subdivision, "willful and wanton" means conduct committed with an intentional or reckless disregard for the safety of others;

(3) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; or

(4) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition known to the owner of the private campground, or his or her employees or officers, on the property that the owner owns, leases, rents, or is otherwise in lawful control of or in possession of if the owner, employee, or officer is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury. Such warning signs shall appear in black letters on a white background with each letter to be a minimum of one inch in height.

5. Every written contract entered into by a private campground owner or an employee or officer of a private campground owner shall contain, in clearly readable print, the warning notice specified in this subsection. The signs described in subdivision (4) of subsection 4 of this section and contracts described in this subsection shall contain the following warning notice:

"WARNING

Under Missouri law, a private campground owner or an employee or officer of a private campground owner is not liable for an injury to or the death of a person or any property damage resulting from the inherent risks of camping under the Revised Statutes of Missouri."

537.346. LANDOWNER OWES NO DUTY OF CARE TO PERSONS ENTERING WITHOUT FEE TO KEEP LAND SAFE FOR RECREATIONAL USE — IMMUNITY FROM LIABILITY FOR INJURIES OF TRESPASSER ON LAND ADJACENT TO PARK OR TRAIL. — 1. Except as provided in sections 537.345 to 537.348, and section 537.351, an owner of land owes no duty of care to any person who enters on the land without charge to keep his **or her** land safe for recreational use or to give any general or specific warning with respect to any natural or artificial condition, structure, or personal property thereon.

2. **No owner of land shall be liable for injuries of a trespasser occurring on his or her residential area or noncovered land, as those terms are defined in section 537.348, if such area or**

land is adjacent to a park, as defined in section 253.010, or a trail, as defined in section 258.100, if such trespasser is accessing or accessed the owner's property from the adjacent park or trail.

537.347. LANDOWNER DIRECTLY OR INDIRECTLY INVITES OR PERMITS PERSONS ON LAND FOR RECREATION OR WILDLIFE MANAGEMENT, EFFECT. — Except as provided in sections 537.345 to 537.348, an owner of land who directly or indirectly invites or permits any person to enter his or her land for recreational use, without charge, whether or not the land is posted, or who directly or indirectly invites or permits any person to enter his or her land for recreational use in compliance with a state-administered recreational access **or wildlife management** program, does not thereby:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon such person the status of an invitee, or any other status requiring of the owner a duty of special or reasonable care;
- (3) Assume responsibility for or incur liability for any injury to such person or property caused by any natural or artificial condition, structure or personal property on the premises; or
- (4) Assume responsibility for any damage or injury to any other person or property caused by an act or omission of such person.

537.348. LANDOWNER LIABLE, WHEN — DEFINITIONS. — Nothing in this act shall be construed to create liability, but it does not limit liability that otherwise would be incurred by those who use the land of others, or by owners of land for:

- (1) Malicious or grossly negligent failure to guard or warn against a dangerous condition, structure, personal property which the owner knew or should have known to be dangerous, or negligent failure to guard or warn against an ultrahazardous condition which the owner knew or should have known to be dangerous;
- (2) Injury suffered by a person who has paid a charge for entry to the land; or
- (3) Injuries occurring on or in:
 - (a) ~~Any land within the corporate boundaries of any city, municipality, town, or village in this state;~~
 - ~~(b)~~ Any swimming pool. "Swimming pool" means a pool or tank, especially an artificial pool or tank, intended and adapted for swimming and held out as a swimming pool;
 - ~~(c)~~ **(b)** Any residential area. "Residential area" as used ~~herein~~ **in this section** means ~~a tract of land of one acre or less predominately used for residential purposes, or a tract of land of any size used for multifamily residential services~~ **land used for residential purposes in an area in which housing predominates, as opposed to industrial and commercial areas, and any land used for farming or agricultural purposes; or**
 - ~~(d)~~ **(c)** Any noncovered land. "Noncovered land" as used ~~herein~~ **in this section** means any portion of any land, the surface of which portion is actually used primarily for commercial, industrial, mining or manufacturing purposes; provided, however, that use of any portion of any land primarily for agricultural, grazing, forestry, conservation, natural area, owner's recreation or similar or related uses or purposes shall not under any circumstances be deemed to be use of such portion for commercial, industrial, mining or manufacturing purposes.

537.354. PRESCRIBED BURNING ACT — DEFINITIONS — IMMUNITY FROM LIABILITY, WHEN — INAPPLICABILITY, WHEN. — 1. This section shall be known and may be cited as the "Prescribed Burning Act".

2. As used in this section, the following terms mean:

- (1) "Agent of an owner of land", any person who has permission from a landowner to participate in a prescribed burning on the landowner's property;

(2) "Certified prescribed burn manager", a person who successfully completes a prescribed burn certification program approved by the Missouri department of conservation;

(3) "Prescribed burn plan", a written plan that is in a format approved by the Missouri department of conservation establishing the conditions and methods to perform a prescribed burning;

(4) "Prescribed burning", the planned and controlled application of fire to existing vegetative fuels in order to accomplish one or more specific land management objectives including, but not limited to, vegetative fuel reduction, silvicultural treatments, wildlife habitat improvement, and management of grassland and other plant communities.

3. No owner of land or agent of an owner of land shall be liable for damage, injury, or loss caused by a prescribed burning or the resulting smoke of a prescribed burning unless the owner of land or agent of an owner of land is proven to be negligent.

4. No certified prescribed burn manager shall be liable for damage, injury, or loss caused by a prescribed burning or the resulting smoke of a prescribed burning conducted under a prescribed burn plan unless the certified prescribed burn manager is proven to be negligent.

5. The provisions of subsections 3 and 4 of this section shall not apply to any damage, injury, or loss caused by a prescribed burning or the resulting smoke from a prescribed burning to any of the following:

(1) Property, lands, rights-of-way, or easements owned by a public utility or municipally owned utility;

(2) Property, lands, rights-of-way, or easements owned by a rural electric cooperative organized or operating under the provisions of chapter 394, or any corporation organized on a nonprofit or cooperative basis as described in subsection 1 of section 394.200, or any electrical corporation operating under a cooperative business plan as described in subsection 2 of section 393.110; or

(3) Property, lands, rights-of-way, or easements appurtenant or incidental to lands controlled by any railroad.

542.525. SURVEILLANCE OR GAME CAMERAS ON PRIVATE PROPERTY, STATE AND LOCAL GOVERNMENT PROHIBITED FROM PLACING WITHOUT LANDOWNER CONSENT. — No employee of a state agency or a political subdivision of the state shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or his or her designee, a search warrant as required by Article I, Section 15 of the Constitution of Missouri or the fourth and fourteenth amendments of the Constitution of the United States, or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that permission of the highest ranking law enforcement chief or officer of the agency or political subdivision is valid only when the camera is facing a location that is open to public access or use and the camera is located within one hundred feet of the intended surveillance location.

Approved July 14, 2021

HCS HB 402

Enacts provisions relating to prohibiting the publishing of the names of lottery winners, with a penalty provision.

AN ACT to amend chapter 313, RSMo, by adding thereto one new section relating to prohibiting the publishing of the names of lottery winners, with a penalty provision.

SECTION

A Enacting clause.

313.303 Prohibits publishing names and other information concerning lottery winners — publish defined — violations, penalty — inapplicable, when.

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

SECTION A. ENACTING CLAUSE. — Chapter 313, RSMo, is amended by adding thereto one new section, to be known as section 313.303, to read as follows:

313.303. PROHIBITS PUBLISHING NAMES AND OTHER INFORMATION CONCERNING LOTTERY WINNERS — PUBLISH DEFINED — VIOLATIONS, PENALTY — INAPPLICABLE, WHEN.

— **1.** The lottery commission, the state lottery or any employee of the state lottery, or any organization with whom the state has contracted to operate the state lottery or any of that organization's employees shall not publish the name, address, or any other identifying information of any person who wins the state lottery.

2. As used in this section, "publish" means to issue information or material in printed or electronic form for distribution or sale to the public.

3. Any person or entity who violates the provisions of this section by publishing identifying information protected under this section is guilty of a class A misdemeanor.

4. (1) This section shall not apply to any entity described in subsection 1 of this section if the person who wins the state lottery authorizes in writing, on a form to be provided by the lottery commission, the public disclosure of his or her name, address, or any other identifying information.

(2) The form provided by the lottery commission under subdivision (1) of this subsection shall only be provided upon the request of a lottery winner and shall not be offered unsolicited, and shall clearly state in no less than fourteen-point bolded font at the top of such form that the signing of such form allowing the public disclosure of identifying information is not required for the person to claim his or her lottery winnings, and that the person may claim his or her lottery winnings while remaining anonymous to the public.

Approved June 29, 2021

SS SCS HCS HB 429

Enacts provisions relating to child placement, with existing penalty provisions.

AN ACT to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof sixteen new sections relating to child placement, with existing penalty provisions.

SECTION

A Enacting clause.

135.325 Title.

135.326 Definitions.

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

- 135.327 Adoption tax credit — nonrecurring adoption expenses, amount — individual and business entities tax credit, amount, time for filing application — assignment of tax credit, when.
- 135.335 Credit reduced, amount, when.
- 135.800 Citation — definitions.
- 143.1170 Foster parent tax deduction — definitions — amount — procedure — rulemaking authority.
- 191.975 Adoption awareness, department duties — advertising campaign authorized — rulemaking authority.
- 193.075 Certificates and reports, form, format, contents.
- 210.150 Confidentiality of reports and records, exceptions — violations, penalty.
- 210.156 Identifying information provided to state registrar, when — state registrar to provide certain records to division — confidentiality of information — rulemaking authority.
- 211.447 Juvenile officer preliminary inquiry, when — petition to terminate parental rights filed, when — juvenile court may terminate parental rights, when — investigation to be made — grounds for termination.
- 452.375 Custody — definitions — factors determining custody — prohibited, when — public policy of state — custody options — findings required, when — parent plan required — access to records — joint custody not to preclude child support — support, how determined — domestic violence or abuse, specific findings.
- 453.014 Who may place minor for adoption — rules and regulations, authority.
- 453.030 Approval of court required — how obtained, consent of child and parent required, when — validity of consent — forms, developed by children's division, contents — court appointment of attorney, when.
- 453.040 Consent of parents not required, when.
- 453.070 Investigations precondition for adoption — contents of investigation report — how conducted — assessments of adoptive parents, contents — waiving of investigation, when — fees — preference to foster parents, when.

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

SECTION A. ENACTING CLAUSE. — Sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 135.325, 135.326, 135.327, 135.335, 135.800, 143.1170, 191.975, 193.075, 210.150, 210.156, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, to read as follows:

135.325. TITLE. — Sections 135.325 to 135.339 shall be known and may be cited as the "~~Special Needs~~ Adoption Tax Credit Act".

135.326. DEFINITIONS. — As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153;

(2) "**Child**", any individual who:

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

- (a) **Has not attained an age of at least eighteen years; or**
- (b) **Is eighteen years of age or older but is physically or mentally incapable of caring for himself or herself;**
- (3) "~~Handicap~~ **Disability**", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;
- ~~(3)~~ (4) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a ~~special-needs~~ child and which are not incurred in violation of federal, state, or local law;
- ~~(4)~~ (5) "Special needs child", a child for whom it has been determined by the children's division, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction to be a child:
- (a) That cannot or should not be returned to the home of his or her parents; and
- (b) Who has a specific factor or condition such as ~~ethnic background,~~ age, membership in a ~~minority or~~ sibling group, medical condition **or diagnosis**, or ~~handicap~~ **disability** because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents;
- ~~(5)~~ (6) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.

135.327. ADOPTION TAX CREDIT — NONRECURRING ADOPTION EXPENSES, AMOUNT — INDIVIDUAL AND BUSINESS ENTITIES TAX CREDIT, AMOUNT, TIME FOR FILING APPLICATION — ASSIGNMENT OF TAX CREDIT, WHEN. — 1. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, **and before January 1, 2022**, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143; provided, however, that beginning on March 29, 2013, the tax credits shall only be allocated for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. **Any person residing in this state who proceeds in good faith with the adoption of a child on or after January 1, 2022, regardless of whether such child is a special needs child, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143. The tax credit shall be allowed regardless of whether the child adopted is a resident or ward of a resident of this state at the time the adoption is initiated; however, priority shall be given to applications to claim the tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to**

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taxes due under such business entity's state tax liability; except that, only one credit, up to ten thousand dollars, shall be available for each child who is adopted.

4. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than two million dollars but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004, **and ending on or before June 30, 2021. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not exceed six million dollars in any fiscal year beginning on or after July 1, 2021.** For all fiscal years beginning on or after July 1, 2006, applications to claim the adoption tax credit ~~[for special needs children who are residents or wards of residents of this state at the time the adoption is initiated]~~ shall be filed between July first and April fifteenth of each fiscal year.

~~[4.]~~ 5. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount sold.

135.335. CREDIT REDUCED, AMOUNT, WHEN. — In the year of adoption and in any year thereafter in which the credit is carried forward pursuant to section 135.333, the credit shall be reduced by an amount equal to the state's cost of providing care, treatment, maintenance and services when:

- (1) The ~~[special needs]~~ child is placed, with no intent to return to the adoptive home, in foster care or residential treatment licensed or operated by the children's division, the division of youth services or the department of mental health; or
- (2) A juvenile court temporarily or finally relieves the adoptive parents of custody of the ~~[special needs]~~ child.

135.800. CITATION — DEFINITIONS. — 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:

- (1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;
- (2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;
- (3) "All tax credit programs", or "any tax credit program", the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;
- (4) "Business recruitment tax credits", the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant

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to sections 100.700 to 100.850, the development tax credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

(5) "Community development tax credits", the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and the transportation development tax credit created pursuant to section 135.545;

(6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the ~~special-needs~~ adoption tax credit created pursuant to sections 135.325 to 135.339, the champion for children tax credit created pursuant to section 135.341, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, the developmental disability care provider tax credit created under section 135.1180, the shared care tax credit created pursuant to section 192.2015, and the diaper bank tax credit created pursuant to section 135.621;

(7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created pursuant to section 620.1039, the small business incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

(8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

(9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to section 143.119;

(10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

(11) "Recipient", the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(12) "Redevelopment tax credits", the historic preservation tax credit created pursuant to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax credit created

pursuant to section 135.490, the new markets tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

(13) "Training and educational tax credits", the Missouri works new jobs tax credit and Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

143.1170. FOSTER PARENT TAX DEDUCTION — DEFINITIONS — AMOUNT — PROCEDURE — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms mean:

(1) "Deduction", an amount subtracted from a taxpayer's Missouri adjusted gross income to determine the taxpayer's Missouri taxable income for a given tax year;

(2) "Foster parent", the same definition as provided under section 210.566;

(3) "Taxpayer", any individual who is a resident of this state and subject to the income tax imposed under this chapter, excluding withholding tax imposed under sections 143.191 to 143.265.

2. (1) For all tax years beginning on or after January 1, 2022, a taxpayer shall be allowed a deduction for expenses incurred directly by the taxpayer in providing care as a foster parent to one or more children in this state.

(2) The amount of the deduction shall be equal to the amount of expenses directly incurred by the taxpayer in providing such care; provided that:

(a) If the taxpayer provides care as a foster parent for at least six months during the tax year, the total amount of the deduction claimed under this section shall not exceed five thousand dollars, provided that a deduction claimed under this section by taxpayers with a filing status of married filing separately shall not exceed two thousand five hundred dollars per taxpayer; and

(b) If the taxpayer provides care as a foster parent for less than six months during the tax year, the maximum deduction limits described in paragraph (a) of this subdivision shall apply, but such limits shall be reduced on a pro rata basis.

3. The department of revenue shall collaborate with the children's division of the department of social services in order to establish and implement a procedure to verify that a taxpayer claiming the deduction authorized under this section is a foster parent.

4. Each taxpayer claiming the deduction authorized under this section shall file an affidavit with such taxpayer's income tax return. The affidavit shall affirm that the taxpayer is a foster parent and that the taxpayer is entitled to the deduction in the amount claimed on his or her tax return.

5. The department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

191.975. ADOPTION AWARENESS, DEPARTMENT DUTIES — ADVERTISING CAMPAIGN AUTHORIZED — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Adoption Awareness Law".

2. To raise public awareness and to educate the public, the department of social services, with the assistance of the department of health and senior services, shall be responsible for:

(1) Collecting and distributing resource materials to educate the public about foster care and adoption;

(2) Developing and distributing educational materials, including but not limited to videos, brochures and other media as part of a comprehensive public relations campaign about the positive option of adoption and foster care. The materials shall include, but not be limited to, information about:

- (a) The benefits of adoption and foster care;
- (b) Adoption and foster care procedures;
- (c) Means of financing the cost of adoption and foster care~~[-]~~ including, but not limited to, adoption subsidies, foster care payments, and ~~[special needs]~~ adoption tax credits;
- (d) Options for birth parents in choosing adoptive parents;
- (e) Protection for and rights of birth parents and adoptive parents prior to and following the adoption;
- (f) Location of adoption and foster care agencies;
- (g) Information regarding various state health and social service programs for pregnant women and children, including but not limited to medical assistance programs and temporary assistance for needy families (TANF); and

(h) Referrals to appropriate counseling services, including but not be limited to counseling services for parents who are considering retaining custody of their children, placing their children for adoption, or becoming foster or adoptive parents; but excluding any referrals for abortion or to abortion facilities;

(3) Making such educational materials available through state and local public health clinics, public hospitals, family planning clinics, abortion facilities as defined in section 188.015, maternity homes as defined in section 135.600, child-placing agencies licensed pursuant to sections 210.481 to 210.536, attorneys whose practice involves private adoptions, in vitro fertilization clinics and private physicians for distribution to their patients who request such educational materials. Such materials shall also be available to the public through the department of social services' internet website;

(4) Establishing a toll-free telephone number for information on adoption and foster care, and to answer questions and assist persons inquiring about becoming adoptive or foster parents.

3. In addition, the department may establish and implement an ongoing advertising campaign for the recruitment of adoptive and foster care families, with a special emphasis on the recruitment of qualified adoptive and foster care families for special needs children. Such advertising campaign may utilize, but shall not be limited to, the following media: television, radio, outdoor advertising, newspaper, magazines and other print media, websites, and the internet. The department may contract with professional advertising agencies or other professional entities to conduct such advertising campaign on behalf of the department.

4. The provisions of this section shall be subject to appropriations.

5. The department of social services shall promulgate rules for the implementation of this section in accordance with chapter 536.

193.075. CERTIFICATES AND REPORTS, FORM, FORMAT, CONTENTS. — 1. The forms of certificates and reports required by sections 193.005 to 193.325 or by regulations adopted hereunder shall include as a minimum the items recommended by the federal agency responsible for national vital statistics.

2. Each certificate, report, and other document required by sections 193.005 to 193.325 shall be on a form or in a format prescribed by the state registrar.

3. All vital records shall contain the date received for registration.

4. Information required in certificates or reports authorized by sections 193.005 to 193.325 may be filed and registered by photographic, electronic, or other means as prescribed by the state registrar.

5. In addition to other personal data required by the registrar to be entered on a birth certificate, each parent shall furnish to the registrar the Social Security account number, or numbers if applicable, issued to the parent unless the registrar finds good cause for not requiring the furnishing of such number or numbers. Good cause shall be determined in accordance with regulations established by the Secretary

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of the United States Department of Health and Human Services. The registrar shall make numbers furnished under this section available to the family support division **and the children's division** of the department of social services. Such numbers shall not be recorded on the birth certificate. The family support division shall not use any Social Security number furnished under the section for any purpose other than for the establishment and enforcement of child support obligations, and the confidentiality provisions and penalties contained in section 454.440 shall apply. **The children's division shall not use any Social Security number furnished under this section for any purpose other than verifying the identity of a parent of a child whose birth record information is provided under section 210.156 and the confidentiality provisions of section 210.156 shall apply.** Nothing in this section shall be construed to prohibit the department of health and senior services from using Social Security numbers for statistical purposes.

210.150. CONFIDENTIALITY OF REPORTS AND RECORDS, EXCEPTIONS — VIOLATIONS, PENALTY. — 1. The children's division shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the children's division shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged

perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings or child custody proceedings, and other federal, state and local government entities, or any agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect;

(7) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the child named in the report as a victim or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the child named in the report as a victim or, if the child is less than eighteen years of age, through the child's parent, or guardian provides written permission;

(8) Any child-care facility; child-placing agency; residential-care facility, including group homes; juvenile courts; public or private elementary schools; public or private secondary schools; or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Any agency or business recognized by the division or business which provides training and places or recommends people for employment or for volunteers in positions where they will provide services or care to children may request the division to provide an examination of the central registry. Such agency or business shall provide verification of its status as a recognized agency. Requests for examinations shall be made to the division director or the director's designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(9) Any parent or legal guardian who inquires about a child abuse or neglect report involving a specific person or child-care facility who does or may provide services or care to a child of the person requesting the information. Request for examinations shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied with a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect. The response shall be given within ten working days of the time it was received by the division;

(10) Any person who inquires about a child abuse or neglect report involving a specific child-care facility, child-placing agency, residential-care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any report contained in the central registry and shall not include any identifying information pertaining to any person mentioned in the report;

(11) Any state agency acting pursuant to statutes regarding a license of any person, institution, or agency which provides care for or services to children;

(12) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(13) Any person who is a tenure-track or full-time research faculty member at an accredited institution of higher education engaged in scholarly research, with the permission of the director. Prior

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to the release of any identifying information, the director shall require the researcher to present a plan for maintaining the confidentiality of the identifying information. The researcher shall be prohibited from releasing the identifying information of individual cases; ~~and~~

(14) Appropriate staff of the United States Department of Defense including, but not limited to, authorized family advocacy program staff or any other staff authorized to receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military or is a member of the Armed Forces, as defined in section 41.030; **and**

(15) The state registrar of vital statistics, or his or her designee, but the information made available shall be limited to identifying information only for the purposes of providing birth record information under section 210.156.

3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect and which the division has determined that there is insufficient evidence or in which the division proceeded with the family assessment and services approach:

(1) Appropriate staff of the division;

(2) Any child named in the report as a victim, or a legal representative, or the parent or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent. The names or other identifying information of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide for a method for confirming or certifying that a designee is acting on behalf of a subject;

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(5) Appropriate criminal justice agency personnel or juvenile officer;

(6) Multidisciplinary agency or individual including a physician or physician's designee who is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;

(7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission; and

(8) Appropriate staff of the United States Department of Defense including, but not limited to, authorized family advocacy program staff or any other staff authorized to receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military or is a member of the Armed Forces, as defined in section 41.030.

4. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central

registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

5. Nothing in this section shall preclude the release of findings or information about cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director of the department of social services, based upon a review of the potential harm to other children within the immediate family.

6. Notwithstanding any provisions of this section or chapter to the contrary, if the division receives a report and ascertains that a suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military or is a member of the Armed Forces, as defined in section 41.030, the division shall report its findings to the most relevant family advocacy program authorized by the United States Department of Defense or any other relevant person authorized by the United States Department of Defense to receive reports under 10 U.S.C. Section 1787.

210.156. IDENTIFYING INFORMATION PROVIDED TO STATE REGISTRAR, WHEN — STATE REGISTRAR TO PROVIDE CERTAIN RECORDS TO DIVISION — CONFIDENTIALITY OF INFORMATION — RULEMAKING AUTHORITY. — 1. The children's division shall make available to the state registrar of vital statistics the identifying information of the following individuals of whom the division has knowledge:

(1) Individuals whose parental rights have been terminated under section 211.447 and who are identified in the central registry as having a finding by the division or a court adjudication of child abuse or neglect within the previous ten years; and

(2) Individuals identified in the central registry who have pled guilty or have been found guilty, within the previous ten years, of an offense under the following, if the victim is a child less than eighteen years of age: chapter 566 or section 565.020, 565.021, 565.023, 565.024, 567.050, 568.020, 568.065, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205.

2. The state registrar shall provide to the division the birth record information of children born to individuals whose identifying information has been provided under subsection 1 of this section. The division shall verify that the parent of the child is the same individual whose identifying information was provided and, if the parent's identity has been verified, shall provide the appropriate local office with information regarding the birth of the child. Appropriate local division personnel, or local providers designated by the division, shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and time-limited services as appropriate. The division shall document the results of such contact and services provided, if any, in the information system established under section 210.109.

3. The children's division and the state registrar shall ensure the confidentiality of all identifying information and birth records provided under this section and shall not disclose such information and records except as needed to effectuate the provisions of this section. Such information and records shall be considered closed records under chapter 610.

4. The division may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

211.447. JUVENILE OFFICER PRELIMINARY INQUIRY, WHEN — PETITION TO TERMINATE PARENTAL RIGHTS FILED, WHEN — JUVENILE COURT MAY TERMINATE PARENTAL RIGHTS, WHEN — INVESTIGATION TO BE MADE — GROUNDS FOR TERMINATION. — 1. Any information

that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it appears that the information could justify the filing of a petition, the juvenile officer may take further action, including filing a petition. If it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned ~~[infant]~~ **child**. For purposes of this subdivision, ~~[an "infant"]~~ **a "child"** means any child ~~[one-year]~~ **under two years** of age ~~[or under]~~ at the time of filing of the petition. The court may find that ~~[an infant]~~ **a child** has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so, **or, for a period of sixty days when the child was under one year of age, willfully, substantially, and continuously neglected to provide the child with necessary care and protection;** or

(c) The parent has voluntarily relinquished a child under section 210.950; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent; or

(4) The parent has been found guilty of or pled guilty to a felony violation of chapter 566, **567, 568,** or 573 when the child or any child ~~[in the family]~~ was a victim~~], or a violation of section 568.020 or 568.065 when the child or any child in the family was a victim~~. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the ~~[crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent]~~ **offense**.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

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(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child ~~over one year~~ **two years** of age **or older** at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, ~~[without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so]~~ **for a period of six months immediately prior to the filing of the petition for termination of parental rights, willfully, substantially, and continuously neglected to provide the child with necessary care and protection;**

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development.

Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The child was conceived and born as a result of an act of forcible rape or rape in the first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(5) (a) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse including, but not limited to, specific conditions directly relating to the parent and child relationship which are determined by the court to be of a duration or nature that renders the parent unable for the reasonably foreseeable future to care appropriately for the ongoing physical, mental, or emotional needs of the child.

(b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon a showing that:

a. Within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivision (1), (2), or (3) of this subsection or similar laws of other states;

b. If the parent is the birth mother and within eight hours after the child's birth, the child's birth mother tested positive and over eight-hundredths of one percent blood alcohol content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

c. If the parent is the birth mother and at the time of the child's birth or within eight hours after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case; ~~[or]~~

d. Within a three-year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent or such parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case; **or**

e. For at least fifteen of the twenty-two months prior to the filing of the petition, the child has been in foster care under the jurisdiction of the juvenile court.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

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

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), or (3) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

- (1) The emotional ties to the birth parent;
- (2) The extent to which the parent has maintained regular visitation or other contact with the child;
- (3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;
- (4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;
- (5) The parent's disinterest in or lack of commitment to the child;
- (6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;
- (7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

11. A court of competent jurisdiction may terminate the parental rights of a biological father of a child if he is an alleged perpetrator of forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030 that resulted in the conception and birth of the child. The biological mother who is the victim of the forcible rape or rape in the first degree or, if she is a minor, someone on her behalf may file a petition to terminate the parental rights of the biological father. The court may terminate the parental rights of the biological father if the court finds that by:

- (1) Clear, cogent, and convincing evidence the biological father committed the act of forcible rape or rape in the first degree against the biological mother;
- (2) Clear, cogent, and convincing evidence the child was conceived as a result of that act of forcible rape or rape in the first degree; and
- (3) The preponderance of the evidence the termination of the parental rights of the biological father is in the best interests of the child.

12. In any action to terminate the parental rights of the biological father under subsection 11 of this section or subdivision (5) of subsection 5 of this section, a court of competent jurisdiction may order that the mother and the child conceived and born as a result of forcible rape or rape in the first degree are entitled to obtain from the biological father certain payments, support, beneficiary designations, or other financial benefits. The court shall issue such order only if the mother gives her consent; provided, that the court shall first inform the mother that such order may require or obligate the mother to have continuous or future communication and contact with the biological father. Such order shall be issued without the biological father being entitled to or granted any custody, guardianship, visitation privileges, or other parent-child relationship, and may include any or all of the following:

- (1) Payment for the reasonable expenses of the mother or the child, or both, related to pregnancy, labor, delivery, postpartum care, newborn care, or early childhood care;

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- (2) Child support under this chapter or chapter 210, 452, or 454;
- (3) All rights of the child to inherit under the probate code, as defined in section 472.010; provided that, for purposes of intestate succession, the biological father or his kindred shall have no right to inherit from or through the child;
- (4) The designation of the child as the beneficiary of a life or accidental death insurance policy, annuity, contract, plan, or other product sold or issued by a life insurance company; or
- (5) Any other payments, support, beneficiary designations, or financial benefits that are in the best interests of the child or for the reasonable expenses of the mother, or both.

If the mother declines to seek a court order for child support under this subsection, no state agency shall require the mother to do so in order to receive public assistance benefits for herself or the child, including, but not limited to, benefits for temporary assistance for needy families, supplemental nutrition assistance program, or MO HealthNet. The court order terminating the parental rights of the biological father under subdivision (5) of subsection 5 of this section or subsection 11 of this section shall serve as a sufficient basis for a good cause or other exemptions under 42 U.S.C. Section 654(29) and the state agency shall not require the mother or the child to otherwise provide the identity, location, income, or assets of the biological father or have contact or communicate with the biological father. However, nothing in this subsection shall prohibit a state agency from requesting that the mother assign any child support rights she receives under this subsection to the state as a condition of receipt of public assistance benefits under applicable federal and state law.

452.375. CUSTODY — DEFINITIONS — FACTORS DETERMINING CUSTODY — PROHIBITED, WHEN — PUBLIC POLICY OF STATE — CUSTODY OPTIONS — FINDINGS REQUIRED, WHEN — PARENT PLAN REQUIRED — ACCESS TO RECORDS — JOINT CUSTODY NOT TO PRECLUDE CHILD SUPPORT — SUPPORT, HOW DETERMINED — DOMESTIC VIOLENCE OR ABUSE, SPECIFIC FINDINGS. — 1. As used in this chapter, unless the context clearly indicates otherwise:

- (1) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;
- (2) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;
- (3) "Joint physical custody" means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;
- (4) "Third-party custody" means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. When the parties have not reached an agreement on all issues related to custody, the court shall consider all relevant factors and enter written findings of fact and conclusions of law, including, but not limited to, the following:

- (1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;
- (2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;
- (3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

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Matter in bold-face type is proposed language.

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child's adjustment to the child's home, school, and community;

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 573.200;

(f) A violation of section 573.205; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

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(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded **a person related by consanguinity or affinity to the child. If no person related to the child by consanguinity or affinity is willing to accept custody, then the court may award custody** to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child. The court shall not presume that a parent, solely because of his or her sex, is more qualified than the other parent to act as a joint or sole legal or physical custodian for the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 8 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. After August 28, 2016, every court order establishing or modifying custody or visitation shall include the following language: "In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file."

11. No court shall adopt any local rule, form, or practice requiring a standardized or default parenting plan for interim, temporary, or permanent orders or judgments. Notwithstanding any other provision to the contrary, a court may enter an interim order in a proceeding under this chapter, provided that the interim order shall not contain any provisions about child custody or a parenting schedule or plan without first providing the parties with notice and a hearing, unless the parties otherwise agree.

12. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records. If the parent without custody has been

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granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. A court shall order that the reports and records made available under this subsection not include the address of the parent with custody if the parent with custody is a participant in the address confidentiality program under section 589.663. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

13. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

14. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

15. If the court finds that domestic violence or abuse as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

453.014. WHO MAY PLACE MINOR FOR ADOPTION — RULES AND REGULATIONS, AUTHORITY. — 1. The following persons may place a minor for adoption:

- (1) The children's division of the department of social services;
- (2) A child placing agency licensed pursuant to sections 210.481 to 210.536;
- (3) The child's parents, without the direct or indirect assistance of an intermediary, in the home of a relative of the child within the third degree;
- (4) An intermediary, which shall include an attorney licensed pursuant to chapter 484; a physician licensed pursuant to chapter 334; or a clergyman of the parents.

2. All persons granted the authority to place a minor child for adoption as designated in subdivision (1), (2) or (4) of subsection 1 of this section shall comply with the rules and regulations promulgated by the **children's division of the department of social services** ~~and the department of health and senior services~~ for such placement.

3. The children's division of the department of social services ~~and the department of health and senior services~~ shall promulgate rules and regulations regarding the placement of a minor for adoption.

4. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

453.030. APPROVAL OF COURT REQUIRED — HOW OBTAINED, CONSENT OF CHILD AND PARENT REQUIRED, WHEN — VALIDITY OF CONSENT — FORMS, DEVELOPED BY CHILDREN'S DIVISION, CONTENTS — COURT APPOINTMENT OF ATTORNEY, WHEN. — 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

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2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

- (1) The mother of the child;
- (2) Any man who:
 - (a) Is presumed to be the father pursuant to subdivision (1), (2), or (3) of subsection 1 of section 210.822; or
 - (b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100; or
 - (c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; and
- (3) The child's current adoptive parents or other legally recognized mother and father.

Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after the birth of the child or before or after the commencement of the adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding other than the attorney representing the party signing the consent. The notary public or witnesses shall verify the identity of the party signing the consent. Notwithstanding any other provision of law to the contrary, a properly executed written consent under this subsection shall be considered irrevocable.

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth mother shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the consequences of the consent. In lieu of acknowledgment before a notary public, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding other than the attorney representing the party signing the consent. The notary public or witnesses shall verify the identity of the party signing the consent.

6. A consent is final when executed, unless the consenting party, prior to a final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily

given. The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party. Consents in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.

7. A consent form shall be developed through rules and regulations promulgated by the **children's division of the** department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 8 of this section, such written consent shall be deemed valid.

8. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

9. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

10. Where the person sought to be adopted is eighteen years of age or older, his or her written consent alone to his or her adoption shall be sufficient.

11. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation ~~[and payment of any reasonable legal fees incurred throughout the adoption process]~~. In addition, the court may appoint an attorney to represent a birth parent **less than eighteen years of age** if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

12. ~~[Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 11 of this section to be paid by the prospective adoptive parents or the child placing agency.~~

~~13.]~~ The court shall receive and acknowledge a written consent to adoption properly executed by a birth parent under this section when such consent is in the best interests of the child.

453.040. CONSENT OF PARENTS NOT REQUIRED, WHEN. — The consent to the adoption of a child is not required of:

(1) A parent whose rights with reference to the child have been terminated pursuant to law, including section 211.444 or section 211.447 or other similar laws in other states;

(2) A parent of a child who has legally consented to a future adoption of the child;

(3) A parent whose identity is unknown and cannot be ascertained at the time of the filing of the petition;

(4) A man who has not been established to be the father and who is not presumed by law to be the father, and who, after the conception of the child, executes a verified statement denying paternity and disclaiming any interest in the child and acknowledging that this statement is irrevocable when executed and follows the consent as set forth in section 453.030;

(5) A parent or other person who has not executed a consent and who, after proper service of process, fails to file an answer or make an appearance in a proceeding for adoption or for termination of parental rights at the time such cause is heard;

(6) A parent who has a mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(7) A parent who has ~~[for a period of at least six months, for a child one year of age or older, or at least sixty days, for a child under one year of age, immediately prior to the filing of the petition for adoption, willfully abandoned the child or, for a period of at least six months immediately prior to the filing of the petition for adoption, willfully, substantially and continuously neglected to provide him with necessary care and protection]~~ **abandoned a child as described in paragraph (b) of subdivision (2) of subsection 2 of section 211.447 or paragraph (b) of subdivision (1) of subsection 5 of section 211.447;**

(8) A parent whose rights to the child may be terminated for any of the grounds set forth in section 211.447 and whose rights have been terminated after hearing and proof of such grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed as a count in an adoption petition.

453.070. INVESTIGATIONS PRECONDITION FOR ADOPTION — CONTENTS OF INVESTIGATION REPORT — HOW CONDUCTED — ASSESSMENTS OF ADOPTIVE PARENTS, CONTENTS — WAIVING OF INVESTIGATION, WHEN — FEES — PREFERENCE TO FOSTER PARENTS, WHEN. — 1. Except as provided in subsection 5 of this section, no decree for the adoption of a child under eighteen years of age shall be entered for the petitioner or petitioners in such adoption as ordered by the juvenile court having jurisdiction, until a full investigation, which includes an assessment of the adoptive parents, an appropriate postplacement assessment and a summary of written reports as provided for in section 453.026, and any other pertinent information relevant to whether the child is suitable for adoption by the petitioner and whether the petitioner is suitable as a parent for the child, has been made. The report shall also include a statement to the effect that the child has been considered as a potential subsidy recipient.

2. Such investigation shall be made, as directed by the court having jurisdiction, either by the children's division of the department of social services, a juvenile court officer, a licensed child-placement agency, a social worker, a professional counselor, or a psychologist licensed under chapter 337 and associated with a licensed child-placement agency, or other suitable person appointed by the court. The results of such investigation shall be embodied in a written report that shall be submitted to the court within ninety days of the request for the investigation.

3. The children's division shall develop rules and regulations regarding the content of the assessment of the petitioner or petitioners. The content of the assessment shall include but not be limited to a report on the condition of the petitioner's home and information on the petitioner's education, financial, marital, medical and psychological status and criminal background check. If an assessment is conducted after August 28, 1997, but prior to the promulgation of rules and regulations by the ~~[department]~~ **children's division** concerning the contents of such assessment, any discrepancy between the contents of the actual assessment and the contents of the assessment required by ~~[department]~~ **children's division** rule shall not be used as the sole basis for invalidating an adoption. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

4. The assessment of petitioner or petitioners shall be submitted to the petitioner and to the court prior to the scheduled hearing of the adoptive petition.

5. In cases where the adoption or custody involves a child under eighteen years of age that is the natural child of one of the petitioners and where all of the parents required by this chapter to give consent to the adoption or transfer of custody have given such consent, the juvenile court may waive the investigation and report, except the criminal background check, and enter the decree for the adoption or order the transfer of custody without such investigation and report.

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

6. In the case of an investigation and report made by the children's division by order of the court, the court may order the payment of a reasonable fee by the petitioner to cover the costs of the investigation and report.

7. Any adult person or persons over the age of eighteen who, as foster parent or parents, have cared for a foster child continuously for a period of nine months or more and bonding has occurred as evidenced by the positive emotional and physical interaction between the foster parent and child, may apply to such authorized agency for the placement of such child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parents. However, the final determination of the propriety of the adoption of such foster child shall be within the sole discretion of the court.

8. (1) Nothing in this section shall be construed to permit discrimination on the basis of disability or disease of a prospective adoptive parent.

(2) The disability or disease of a prospective adoptive parent shall not constitute a basis for a determination that the petitioner is unfit or not suitable to be an adoptive parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child.

Approved April 22, 2021

SS SCS HCS HB 430

Enacts provisions relating to benevolent tax credits.

AN ACT to repeal sections 135.325, 135.326, 135.327, 135.335, 135.550, 135.600, 135.800, and 191.975, RSMo, and to enact in lieu thereof eight new sections relating to benevolent tax credits.

SECTION

- A Enacting clause.
- 135.325 Title.
- 135.326 Definitions.
- 135.327 Adoption tax credit — nonrecurring adoption expenses, amount — individual and business entities tax credit, amount, time for filing application — assignment of tax credit, when.
- 135.335 Credit reduced, amount, when.
- 135.550 Definitions — tax credit, amount — limitations — director of social services determinations, classification of shelters and centers — effective date.
- 135.600 Definitions — tax credit, amount — limitations — director of social services determinations, classification of maternity homes — effective date.
- 135.800 Citation — definitions.
- 191.975 Adoption awareness, department duties — advertising campaign authorized — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Sections 135.325, 135.326, 135.327, 135.335, 135.550, 135.600, 135.800, and 191.975, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 135.325, 135.326, 135.327, 135.335, 135.550, 135.600, 135.800, and 191.975, to read as follows:

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

135.325. TITLE. — Sections 135.325 to 135.339 shall be known and may be cited as the "~~Special Needs~~ Adoption Tax Credit Act".

135.326. DEFINITIONS. — As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153;

(2) "Child", any individual who:

(a) Has not attained an age of at least eighteen years; or

(b) Is eighteen years of age or older but is physically or mentally incapable of caring for himself or herself;

~~[(2)]~~ (3) "~~Handicap~~ Disability", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

~~[(3)]~~ (4) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a ~~special needs~~ child and which are not incurred in violation of federal, state, or local law;

~~[(4)]~~ (5) "Special needs child", a child for whom it has been determined by the children's division, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as ~~ethnic background,~~ age, membership in a ~~minority or~~ sibling group, medical condition or diagnosis, or ~~handicap~~ disability because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents;

~~[(5)]~~ (6) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.

135.327. ADOPTION TAX CREDIT — NONRECURRING ADOPTION EXPENSES, AMOUNT — INDIVIDUAL AND BUSINESS ENTITIES TAX CREDIT, AMOUNT, TIME FOR FILING APPLICATION — ASSIGNMENT OF TAX CREDIT, WHEN. — 1. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, and before January 1, 2022, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143; provided, however, that beginning on March 29, 2013, the tax credits shall only be allocated for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to

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Matter in bold-face type is proposed language.

enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Any person residing in this state who proceeds in good faith with the adoption of a child on or after January 1, 2022, regardless of whether such child is a special needs child, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143. The tax credit shall be allowed regardless of whether the child adopted is a resident or ward of a resident of this state at the time the adoption is initiated; however, priority shall be given to applications to claim the tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability; except that, only one credit, up to ten thousand dollars, shall be available for each child who is adopted.

4. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than two million dollars but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004, **and ending on or before June 30, 2021. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not exceed six million dollars in any fiscal year beginning on or after July 1, 2021.** For all fiscal years beginning on or after July 1, 2006, applications to claim the adoption tax credit ~~[for special needs children who are residents or wards of residents of this state at the time the adoption is initiated]~~ shall be filed between July first and April fifteenth of each fiscal year.

~~[4.]~~ **5.** Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount sold.

135.335. CREDIT REDUCED, AMOUNT, WHEN. — In the year of adoption and in any year thereafter in which the credit is carried forward pursuant to section 135.333, the credit shall be reduced by an amount equal to the state's cost of providing care, treatment, maintenance and services when:

- (1) The ~~[special needs]~~ child is placed, with no intent to return to the adoptive home, in foster care or residential treatment licensed or operated by the children's division, the division of youth services or the department of mental health; or
- (2) A juvenile court temporarily or finally relieves the adoptive parents of custody of the ~~[special needs]~~ child.

135.550. DEFINITIONS — TAX CREDIT, AMOUNT — LIMITATIONS — DIRECTOR OF SOCIAL SERVICES DETERMINATIONS, CLASSIFICATION OF SHELTERS AND CENTERS — EFFECTIVE DATE. — 1. As used in this section, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) **"Rape crisis center", a community-based nonprofit rape crisis center, as defined in section 455.003, located in this state and that provides the twenty-four hour core services of hospital advocacy and crisis hotline support to survivors of rape and sexual assault;**

(3) **"Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence pursuant to section 455.200 and which meets the requirements of section 455.220, or a nonprofit organization established and operating exclusively for the purpose of supporting a shelter for victims of domestic violence operated by the state or one of its political subdivisions;**

~~[(3)]~~ (4) **"State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;**

~~[(4)]~~ (5) **"Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.**

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence **or rape crisis center for all fiscal years ending on or before June 30, 2022, and seventy percent of the amount such taxpayer contributed to a shelter for victims of domestic violence or rape crisis center for all fiscal years beginning on or after July 1, 2022.**

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over **only** to the next ~~[four]~~ succeeding ~~[taxable years until the full credit has been claimed]~~ **tax year. Tax credits issued pursuant to this section shall not be assigned, transferred, or sold.** 4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence **or rape crisis center** in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence **and rape crisis centers**. The director of the department of social services may require of a facility seeking to be classified as a shelter for victims of domestic violence **or rape crisis center** whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a shelter for victims of domestic violence **or rape crisis center** if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence **or rape crisis center**, and by which such taxpayer can then contribute to such shelter for victims of domestic violence **or rape crisis center** and claim a tax credit. Shelters for victims of domestic violence **and rape crisis**

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centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence **and rape crisis centers** in any one fiscal year shall not exceed two million dollars **for all fiscal years ending on or before June 30, 2022. For all fiscal years beginning on or after July 1, 2022, there shall be no limit imposed on the cumulative amount of tax credits that may be claimed by all taxpayers contributing to shelters for victims of domestic violence and rape crisis centers under the provisions of this section.**

7. **For all fiscal years ending on or before June 30, 2022**, the director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence **and rape crisis centers**. If a shelter for victims of domestic violence **or rape crisis center** fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those shelters for victims of domestic violence **and rape crisis centers** that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999.

135.600. DEFINITIONS — TAX CREDIT, AMOUNT — LIMITATIONS — DIRECTOR OF SOCIAL SERVICES DETERMINATIONS, CLASSIFICATION OF MATERNITY HOMES — EFFECTIVE DATE.

— 1. As used in this section, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;
- (2) "Maternity home", a residential facility located in this state:
 - (a) Established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term;
 - (b) That does not perform, induce, or refer for abortions and that does not hold itself out as performing, inducing, or referring for abortions;
 - (c) That provides services at no cost to clients; and
 - (d) That is exempt from income taxation under the United States Internal Revenue Code;
- (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;
- (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax

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on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home **for all fiscal years ending on or before June 30, 2022, and seventy percent of the amount such taxpayer contributed to a maternity home for all fiscal years beginning on or after July 1, 2022.**

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over only to the next succeeding tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's tax year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019, **and ending on or before June 30, 2022. For all fiscal years beginning on or after July 1, 2022, there shall be no limit imposed on the cumulative amount of tax credits that may be claimed by all taxpayers contributing to maternity homes under the provisions of this section.** Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a fiscal year is less than the cumulative amount authorized under this subsection, the difference shall be carried over to a subsequent fiscal year or years and shall be added to the cumulative amount of tax credits that may be authorized in that fiscal year or years.

7. **For all fiscal years ending on or before June 30, 2022,** the director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a

manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999~~], until sunset].~~

~~[9. Under section 23.253 of the Missouri sunset act:~~

~~(1) The provisions of the program authorized under this section shall automatically sunset on December thirty first six years after August 28, 2018, unless reauthorized by an act of the general assembly;~~

~~(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty first six years after the effective date of the reauthorization of this section;~~

~~(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and~~

~~(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.]~~

135.800. CITATION — DEFINITIONS. — 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) "All tax credit programs", or "any tax credit program", the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) "Business recruitment tax credits", the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

(5) "Community development tax credits", the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and the transportation development tax credit created pursuant to section 135.545;

(6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the ~~[special needs]~~ adoption tax credit created pursuant to sections 135.325 to 135.339, the champion for children tax credit created pursuant to section 135.341, the maternity home

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tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, the developmental disability care provider tax credit created under section 135.1180, the shared care tax credit created pursuant to section 192.2015, and the diaper bank tax credit created pursuant to section 135.621;

(7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created pursuant to section 620.1039, the small business incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

(8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

(9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to section 143.119;

(10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

(11) "Recipient", the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(12) "Redevelopment tax credits", the historic preservation tax credit created pursuant to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

(13) "Training and educational tax credits", the Missouri works new jobs tax credit and Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

191.975. ADOPTION AWARENESS, DEPARTMENT DUTIES — ADVERTISING CAMPAIGN AUTHORIZED — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Adoption Awareness Law".

2. To raise public awareness and to educate the public, the department of social services, with the assistance of the department of health and senior services, shall be responsible for:

(1) Collecting and distributing resource materials to educate the public about foster care and adoption;

(2) Developing and distributing educational materials, including but not limited to videos, brochures and other media as part of a comprehensive public relations campaign about the positive option of adoption and foster care. The materials shall include, but not be limited to, information about:

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

- (a) The benefits of adoption and foster care;
 - (b) Adoption and foster care procedures;
 - (c) Means of financing the cost of adoption and foster care~~[-]~~ including, but not limited to, adoption subsidies, foster care payments, and ~~[special needs]~~ adoption tax credits;
 - (d) Options for birth parents in choosing adoptive parents;
 - (e) Protection for and rights of birth parents and adoptive parents prior to and following the adoption;
 - (f) Location of adoption and foster care agencies;
 - (g) Information regarding various state health and social service programs for pregnant women and children, including but not limited to medical assistance programs and temporary assistance for needy families (TANF); and
 - (h) Referrals to appropriate counseling services, including but not be limited to counseling services for parents who are considering retaining custody of their children, placing their children for adoption, or becoming foster or adoptive parents; but excluding any referrals for abortion or to abortion facilities;
- (3) Making such educational materials available through state and local public health clinics, public hospitals, family planning clinics, abortion facilities as defined in section 188.015, maternity homes as defined in section 135.600, child-placing agencies licensed pursuant to sections 210.481 to 210.536, attorneys whose practice involves private adoptions, in vitro fertilization clinics and private physicians for distribution to their patients who request such educational materials. Such materials shall also be available to the public through the department of social services' internet website;
- (4) Establishing a toll-free telephone number for information on adoption and foster care, and to answer questions and assist persons inquiring about becoming adoptive or foster parents.
3. In addition, the department may establish and implement an ongoing advertising campaign for the recruitment of adoptive and foster care families, with a special emphasis on the recruitment of qualified adoptive and foster care families for special needs children. Such advertising campaign may utilize, but shall not be limited to, the following media: television, radio, outdoor advertising, newspaper, magazines and other print media, websites, and the internet. The department may contract with professional advertising agencies or other professional entities to conduct such advertising campaign on behalf of the department.
4. The provisions of this section shall be subject to appropriations.
5. The department of social services shall promulgate rules for the implementation of this section in accordance with chapter 536.

Approved April 22, 2021

SS SCS HS HB 432

Enacts provisions relating to the protection of vulnerable persons, with penalty provisions and an emergency clause for a certain section.

AN ACT to repeal sections 160.263, 192.2520, 193.075, 197.135, 208.018, 208.053, 208.227, 208.285, 210.115, 210.150, 210.201, 210.251, 210.252, 210.950, 211.211, 376.2034, 452.410, 566.150, and 633.200, RSMo, and to enact in lieu thereof thirty-seven new sections relating to the protection of vulnerable persons, with penalty provisions and an emergency clause for a certain section.

SECTION

A Enacting clause.

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

- 160.263 Confinement of a student in seclusion, when — definitions — certain restraint techniques prohibited — policy on restrictive behavioral interventions required — model policy to be developed.
- 160.3005 Lactation accommodations, written policy, contents, requirements — model policy — rulemaking authority.
- 162.686 Audio recording of meetings not to be prohibited — violation, penalty.
- 178.935 Special certificates for employment of disabled persons at sheltered workshops — commensurate wage requirements — issuance of certificate, criteria.
- 191.116 Alzheimer's state plan task force established — members, appointment, duties — report — expiration date.
- 192.2520 Citation of law — definitions — telehealth network for victims of sexual offenses, requirements — contracts — report, contents — fund established, use of moneys — rulemaking authority.
- 193.075 Certificates and reports, form, format, contents.
- 197.135 Forensic examinations, victims of sexual offense, requirements — waiver of requirements, when — reimbursement of costs — access to statewide telehealth network required.
- 208.018 Farmers' markets, SNAP participants, pilot program to purchase fresh food — requirements — sunset provision.
- 208.053 Low-wage trap elimination act — hand-up pilot program, transitional child care subsidies (Jackson, Clay and Greene counties) — report — rulemaking — sunset provision.
- 208.226 Antipsychotic medication, no restrictions on availability in MO HealthNet program — provider updates, content.
- 208.227 Multiple prescriptions, case management and surveillance programs to be established — rulemaking authority — state plan amendments and waivers.
- 208.285 Farmers' market nutrition program, department to apply for grants — vouchers for fresh produce — rulemaking authority.
- 208.1060 Food banks, state plan to be submitted for federal project.
- 210.115 Reports of abuse, neglect, and under age eighteen deaths — persons required to report — supervisors and administrators not to impede reporting — deaths required to be reported to the division or child fatality review panel, when — report made to another state, when — unaccompanied or homeless youth.
- 210.121 Unaccompanied youth — definitions — access to supportive services — status documentation — immunity from liability, when.
- 210.150 Confidentiality of reports and records, exceptions — violations, penalty.
- 210.156 Identifying information provided to state registrar, when — state registrar to provide certain records to division — confidentiality of information — rulemaking authority.
- 210.201 Definitions.
- 210.251 State and federal funds to be made available to centers to upgrade standards — at-risk children program, limitation on requirements.
- 210.252 Fire, safety, health and sanitation inspections, procedure — variances to rules granted when — rules authorized.
- 210.950 Safe place for newborns act — definitions — procedure — immunity from liability — rulemaking authority.
- 210.1225 Physical custody of child in division custody taken after hospitalization — reimbursement of hospital, when — emergency psychiatric treatment.
- 211.211 Right to counsel or guardian ad litem — counsel appointed, when — waiver, exceptions for certain proceedings.
- 261.450 Food security task force, members, meetings — mission — report — termination date.

- 285.625 Definitions.
- 285.630 Unpaid leave provided, when — amount of leave — notice by employee — certification requirements — confidentiality — written statement.
- 285.635 Group health coverage during leave — recovery of premiums, when — certification for inability to return to work — confidentiality.
- 285.650 Safety accommodations — inapplicability, when.
- 285.665 Notice to employees summarizing requirements for leave due to domestic or sexual violence.
- 285.670 Federal, state, or local law, effect on.
- 376.1228 Hearing aids coverage for children required — amount of coverage — exclusions — additional state costs subject to appropriations.
- 376.1551 Federal mental health parity and addiction equity requirements — inapplicable, when — rulemaking authority.
- 376.2034 Restriction on step therapy protocol, patient to have access to override exception determination — procedure.
- 452.410 Custody, decree, modification of, when.
- 566.150 Certain offenders not to be present or loiter within five hundred feet of a public park, swimming pool, athletic complex, museum, or nature center — violation, penalty — exception for nature or education center, when.
- 633.200 Commission established, meetings — autism roadmap for Missouri, content — members — phases of work — report — completion dates for phases.
 - B Emergency clause for a certain section.

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

SECTION A. ENACTING CLAUSE.— Sections 160.263, 192.2520, 193.075, 197.135, 208.018, 208.053, 208.227, 208.285, 210.115, 210.150, 210.201, 210.251, 210.252, 210.950, 211.211, 376.2034, 452.410, 566.150, and 633.200, RSMo, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 160.263, 160.3005, 162.686, 178.935, 191.116, 192.2520, 193.075, 197.135, 208.018, 208.053, 208.226, 208.227, 208.285, 208.1060, 210.115, 210.121, 210.150, 210.156, 210.201, 210.251, 210.252, 210.950, 210.1225, 211.211, 261.450, 285.625, 285.630, 285.635, 285.650, 285.665, 285.670, 376.1228, 376.1551, 376.2034, 452.410, 566.150, and 633.200, to read as follows:

160.263. CONFINEMENT OF A STUDENT IN SECLUSION, WHEN — DEFINITIONS — CERTAIN RESTRAINT TECHNIQUES PROHIBITED — POLICY ON RESTRICTIVE BEHAVIORAL INTERVENTIONS REQUIRED — MODEL POLICY TO BE DEVELOPED.— 1. **As used in this section, the following terms mean:**

(1) **"Mechanical restraint", the use of any device or equipment to restrict a student's freedom of movement. "Mechanical restraint" shall not include devices implemented by trained personnel or used by a student with a prescription for such devices from an appropriate medical or related services professional and that are used for specific and approved purposes for which such devices were designed, such as the following:**

(a) **Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;**

(b) **Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;**

(c) **Restraints for medical immobilization; or**

(d) **Orthopedically prescribed devices that permit a student to participate in activities without risk;**

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

(2) "Physical restraint", a personal restriction such as person-to-person physical contact that immobilizes, reduces, or restricts the ability of a student to move the student's torso, arms, legs, or head freely. "Physical restraint" shall not include:

- (a) A physical escort, which is a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student to walk to a safe location;
- (b) Comforting or calming a student;
- (c) Holding a student's hand to transport the student for safety purposes;
- (d) Intervening in a fight; or
- (e) Using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(3) "Prone restraint", using mechanical or physical restraint or both to restrict a student's movement while the student is lying with the student's front or face downward;

(4) "Restraint" includes, but is not limited to, mechanical restraint, physical restraint, and prone restraint;

(5) "Seclusion", the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving and that complies with the building code in effect in the school district. "Seclusion" shall not include the following:

(a) A timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a nonlocked setting, and is implemented for the purpose of calming;

- (b) In-school suspension;
- (c) Detention; or
- (d) Other appropriate disciplinary measures.

2. The school discipline policy under section 160.261 shall ~~prohibit~~ reserve confining a student in ~~[an unattended, locked space except for an emergency situation while awaiting the arrival of law enforcement personnel]~~ seclusion for situations or conditions in which there is imminent danger of physical harm to self or others.

3. For all school years beginning on or after July 1, 2022, no school district, charter school, or publicly contracted private provider shall use any mechanical, physical, or prone restraint technique that:

- (1) Obstructs views of the student's face;
- (2) Obstructs the student's respiratory airway, impairs the student's breathing or respiratory capacity, or restricts the movement required for normal breathing to cause positional or postural asphyxia;
- (3) Places pressure or weight on or causes the compression of the student's chest, lungs, sternum, diaphragm, back, abdomen, or genitals;
- (4) Obstructs the student's circulation of blood;
- (5) Involves pushing on or into the student's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything including, but not limited to, soft objects such as pillows, blankets, or washcloths;
- (6) Endangers the student's life or significantly exacerbates the student's medical condition;
- (7) Is purposely designed to inflict pain;
- (8) Restricts the student from communicating. If an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communication, the student shall be permitted to have the student's hands free of restraint for brief periods unless an employee determines that such freedom appears likely to result in harm to self or others.

~~[2-]~~ 4. (1) By July 1, 2011, the local board of education of each school district shall adopt a written policy that comprehensively addresses the use of restrictive behavioral interventions as a form of

discipline or behavior management technique. The policy shall be consistent with professionally accepted practices and standards of student discipline, behavior management, health and safety, including the safe schools act. The policy shall include but not be limited to:

~~[(1)]~~ **(a)** Definitions of restraint, seclusion, and time-out and any other terminology necessary to describe the continuum of restrictive behavioral interventions available for use or prohibited in the district, **consistent with the provisions of this section;**

~~[(2)]~~ **(b)** Description of circumstances under which a restrictive behavioral intervention is allowed and prohibited, **consistent with the provisions of this section,** and any unique application requirements for specific groups of students such as differences based on age, disability, or environment in which the educational services are provided;

~~[(3)]~~ **(c)** Specific implementation requirements associated with a restrictive behavioral intervention such as time limits, facility specifications, training requirements or supervision requirements; and

~~[(4)]~~ **(d)** Documentation, notice and permission requirements associated with use of a restrictive behavioral intervention.

(2) Before July 1, 2022, each written policy adopted under this subsection shall be updated to prohibit the school district, charter school, or publicly contracted private provider from using any restraint that employs any technique listed in subsection 3 of this section.

(3) Before July 1, 2022, each written policy adopted under this subsection shall be updated to state that the school district, charter school, or publicly contracted private provider will reserve restraint or seclusion for situations or conditions in which there is imminent danger of physical harm to self or others.

5. Before July 1, 2022, each school district, charter school, and publicly contracted private provider shall ensure that the policy adopted under subsection 4 of this section requires the following:

(1) Any student placed in seclusion or restraint shall be removed from such seclusion or restraint as soon as the school district, charter school, or publicly contracted private provider determines that the student is no longer an imminent danger of physical harm to self or others;

(2) All school district, charter school, and publicly contracted private provider personnel shall annually review the policy and procedures involving the use of seclusion and restraint. Personnel who use seclusion or restraint shall annually complete mandatory training in the specific seclusion and restraint techniques the school district, charter school, or publicly contracted private provider uses under this section;

(3) (a) Each time seclusion or restraint is used for a student, the incident shall be monitored by a member of the school district, charter school, or publicly contracted private provider personnel, and a report shall be completed by the school district, charter school, or publicly contracted private provider that contains, at a minimum, the following:

- a. The date, time of day, location, duration, and description of the incident and interventions;**
 - b. Any event leading to the incident and the reason for using seclusion or restraint;**
 - c. A description of the methods of seclusion or restraint used;**
 - d. The nature and extent of any injury to the student;**
 - e. The names, roles, and certifications of each employee involved in the use of seclusion or restraint;**
 - f. The name, role, and signature of the person who prepared the report;**
 - g. The name of an employee whom the parent or guardian can contact regarding the incident and use of seclusion or restraint;**
 - h. The name of an employee to contact if the parent or guardian wishes to file a complaint;**
- and**
- i. A statement directing parents and legal guardians to a sociological, emotional, or behavioral support organization and a hotline number to report child abuse and neglect.**

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

(b) The school district, charter school, or publicly contracted private provider shall maintain the report as an education record of the student, provide a copy to the parent or legal guardian within five school days, and a copy of each incident report shall be given to the department of elementary and secondary education within thirty days of the incident;

(4) The school district, charter school, or publicly contracted private provider shall attempt to notify the parents or legal guardians as soon as possible but no later than one hour after the end of the school day on which the use of seclusion or restraint occurred. Notification shall be oral or electronic and shall include a statement indicating that the school district, charter school, or publicly contracted private provider will provide the parents or legal guardians a copy of the report described in subdivision (3) of this subsection within five school days;

(5) An officer, administrator, or employee of a public school district or charter school shall not retaliate against any person for having:

(a) Reported a violation of any policy established under this section or failure of a district or charter school to follow any provisions of this section in relation to incidents of seclusion and restraint; or

(b) Provided information regarding a violation of this section by a public school district or charter school or a member of the staff of the public school district or charter school.

6. The department of elementary and secondary education shall compile and maintain all incidents reported under this section in the department's core data system and make such data available on the Missouri comprehensive data system. No personally identifiable data shall be accessible on the database.

~~[3-]~~ 7. The department of elementary and secondary education shall, in cooperation with appropriate associations, organizations, agencies and individuals with specialized expertise in behavior management, develop a model policy that satisfies the requirements of subsection 2 of this section as it existed on August 28, 2009, by July 1, 2010, and shall update such model policy to include the requirements of subdivisions (2) and (3) of subsection 4 and subsection 5 of this section by July 1, 2022.

160.3005. — LACTATION ACCOMMODATIONS, WRITTEN POLICY, CONTENTS, REQUIREMENTS — MODEL POLICY — RULEMAKING AUTHORITY. — 1. Before July 1, 2022, the local board of education of each school district shall adopt a written policy that requires the administration of each public school building within the district to provide accommodations to lactating employees, teachers, and students to express breast milk, breast-feed a child, or address other needs relating to breast-feeding. The policy shall include provisions that require the district to provide a minimum of three opportunities during a school day, at intervals agreed upon by the district and the individual, to accommodate an employee's, teacher's, or student's need to express breast milk or breast-feed a child. The policy shall include provisions that require such accommodations to be available to each lactating employee, teacher, or student for at least one year following the birth of the employee's, teacher's, or student's child, and that permit such accommodations to be available for longer than one year as determined by each local school board.

2. District policies shall require each school building to contain suitable accommodation in the form of a room, other than a restroom, for the exclusive use of women to express breast milk or breast-feed a child. Such accommodation shall be located in close proximity to a sink with running water and a refrigerator for breast milk storage and have, at a minimum, the following features:

- (1) Ventilation and a door that may be locked for privacy;**
- (2) A work surface and a chair; and**
- (3) Conveniently-placed electrical outlets.**

3. The department of elementary and secondary education shall develop a model policy that satisfies the requirements of subsections 1 and 2 of this section before January 1, 2022.

4. The department of elementary and secondary education may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

162.686. AUDIO RECORDING OF MEETINGS NOT TO BE PROHIBITED — VIOLATION, PENALTY. — 1. No school district or charter school shall prohibit a parent or legal guardian of a student from recording by audio any meeting held under the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq., as amended, or Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

2. Any recording made by a parent or legal guardian under this section shall be the property of the parent or legal guardian creating the recording. No recording made under this section shall be construed to be a public record made by or prepared for any public governmental body under chapter 610.

3. No school district or charter school shall impose pre-meeting notification requirements of recording by a parent or legal guardian of more than twenty-four hours.

4. No school district or charter school employee who reports any violations under this section shall be subject to discharge, retaliation, or any other adverse employment action for making such report.

178.935. SPECIAL CERTIFICATES FOR EMPLOYMENT OF DISABLED PERSONS AT SHELTERED WORKSHOPS — COMMENSURATE WAGE REQUIREMENTS — ISSUANCE OF CERTIFICATE, CRITERIA. — 1. For the purposes of this section, the following terms mean:

(1) "Certificate", authorization issued to employers by the department to pay special wages to workers who have disabilities for the work being performed;

(2) "Commensurate Wage", a wage paid to a disabled person when his or her disability impairs his or her productive and earning capacities for the work being performed. The wage shall be commensurate with the worker's productivity as compared to the wage and productivity of an experienced worker who is not disabled.

2. Notwithstanding any provision of law to contrary, the department, to the extent necessary to prevent the curtailment of opportunities for employment, shall provide for the employment, under special certificates, of disabled persons at sheltered workshops, at wages which are:

(1) Lower than the wage rate applicable under sections 290.500 to 290.530;

(2) Commensurate with those paid to nondisabled workers, employed in the vicinity in which the persons under the certificates are employed, for essentially the same type, quality, and quantity of work; and

(3) Related to the person's productivity.

3. The department shall not issue a certificate under subsection 2 of this section unless the sheltered workshop provides written assurances to the department of the following:

(1) In the case of persons paid on an hourly rate basis, wages paid in accordance with subsection 2 of this section shall be reviewed by the sheltered workshop at periodic intervals at least once every six months; and

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

(2) Wages paid in accordance with subsection 2 of this section shall be adjusted by the sheltered workshop at periodic intervals, at least once each year, to reflect changes in the prevailing wage paid to experienced nondisabled persons employed in the locality for essentially the same type of work.

4. Notwithstanding the provisions of subsection 2 of this section, no sheltered workshop shall be permitted to reduce the hourly wage rate prescribed by certificate under this section of any disabled worker for a period of two years from such date without prior authorization from the department.

191.116. ALZHEIMER'S STATE PLAN TASK FORCE ESTABLISHED — MEMBERS, APPOINTMENT, DUTIES — REPORT — EXPIRATION DATE. — 1. There is hereby established in the department of health and senior services the "Alzheimer's State Plan Task Force". The task force shall consist of twenty-one members, as follows:

- (1) The lieutenant governor, or his or her designee, who shall serve as chair of the task force;
- (2) The directors of the departments of health and senior services, social services, and mental health, or their designees;
- (3) One member of the house of representatives to be appointed by the speaker of the house of representatives;
- (4) One member of the senate to be appointed by the president pro tempore of the senate;
- (5) One member who has early-stage Alzheimer's disease or a related dementia;
- (6) One member who is a family caregiver of a person with Alzheimer's disease or a related dementia;
- (7) One member who is a licensed physician with experience in the diagnosis, treatment, and research of Alzheimer's disease;
- (8) One member from the office of state ombudsman for long-term care facility residents;
- (9) One member representing residential long-term care;
- (10) One member representing the home care profession;
- (11) One member representing the adult day services profession;
- (12) One member representing the area agencies on aging;
- (13) One member with expertise in minority health;
- (14) One member representing the law enforcement community;
- (15) One member from the department of higher education and workforce development with knowledge of workforce training;
- (16) Two members representing voluntary health organizations in Alzheimer's disease care, support, and research;
- (17) One member representing licensed skilled nursing facilities; and
- (18) One member representing Missouri veterans' homes.

2. The members of the task force, other than the lieutenant governor, members from the general assembly, and department and division directors, shall be appointed by the governor with the advice and consent of the senate. Members shall serve on the task force without compensation.

3. The task force shall assess all state programs that address Alzheimer's disease and update and maintain an integrated state plan to overcome the challenges caused by Alzheimer's disease. The state plan shall include implementation steps and recommendations for priority actions based on this assessment. The task force's actions shall include, but shall not be limited to, the following:

- (1) Assess the current and future impact of Alzheimer's disease on residents of the state of Missouri;

(2) Examine the existing services and resources addressing the needs of persons with Alzheimer's disease and their families and caregivers;

(3) Develop recommendations to respond to the escalating public health crisis regarding Alzheimer's disease;

(4) Ensure the inclusion of ethnic and racial populations that have a higher risk for Alzheimer's disease or are least likely to receive care in clinical, research, and service efforts, with the purpose of decreasing health disparities in Alzheimer's disease treatment;

(5) Identify opportunities for the state of Missouri to coordinate with federal government entities to integrate and inform the fight against Alzheimer's disease;

(6) Provide information and coordination of Alzheimer's disease research and services across all state agencies;

(7) Examine dementia-specific training requirements across health care, adult protective services workers, law enforcement, and all other areas in which staff are involved with the delivery of care to those with Alzheimer's disease and other dementias; and

(8) Develop strategies to increase the diagnostic rate of Alzheimer's disease in Missouri.

4. The task force shall deliver a report of recommendations to the governor and members of the general assembly no later than June 1, 2022.

5. The task force shall continue to meet at the request of the chair and at a minimum of one time annually for the purpose of evaluating the implementation and impact of the task force recommendations and shall provide annual supplemental report updates on the findings to the governor and the general assembly.

6. The provisions of this section shall expire on December 31, 2026.

192.2520. CITATION OF LAW — DEFINITIONS — TELEHEALTH NETWORK FOR VICTIMS OF SEXUAL OFFENSES, REQUIREMENTS — CONTRACTS — REPORT, CONTENTS — FUND ESTABLISHED, USE OF MONEYS — RULEMAKING AUTHORITY. — 1. Sections 192.2520 and 197.135 shall be known and may be cited as the "Justice for Survivors Act".

2. As used in this section, the following terms shall mean:

(1) "Appropriate medical provider", the same meaning as used in section 595.220;

(2) "Department", the department of health and senior services;

(3) "Evidentiary collection kit", the same meaning as used in section 595.220;

(4) "Forensic examination", the same meaning as used in section 595.220;

(5) "Telehealth", the same meaning as used in section 191.1145.

3. No later than July 1, 2022, there shall be established within the department a statewide telehealth network for forensic examinations of victims of sexual offenses in order to provide access to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers. A statewide coordinator for the telehealth network shall be selected by the director of the department of health and senior services and shall have oversight responsibilities and provide support for the training programs offered by the network, as well as the implementation and operation of the network. **The statewide coordinator shall regularly consult with Missouri-based stakeholders and clinicians actively engaged in the collection of forensic evidence regarding the training programs offered by the network, as well as the implementation and operation of the network.**

4. The network shall provide mentoring and educational training services, including:

(1) Conducting a forensic examination of a victim of a sexual offense, in accordance with best practices, while utilizing an evidentiary collection kit;

(2) Proper documentation, transmission, and storage of the examination evidence;

(3) Utilizing trauma-informed care to address the needs of victims;

(4) Utilizing telehealth technology while conducting a live examination; and

(5) Providing ongoing case consultation and serving as an expert witness in event of a trial.

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The network shall, in the mentoring and educational training services provided, emphasize the importance of obtaining a victim's informed consent to evidence collection, including issues involving minor consent, and the scope and limitations of confidentiality regarding information gathered during the forensic examination.

5. The training offered ~~may~~ **shall** be made available ~~both~~ online ~~or in-person~~, including the use of video conferencing technology to connect trained interdisciplinary experts with providers in a case-based learning environment, **and may also be made available in-person.**

6. The network shall, through telehealth services available twenty-four hours a day, seven days a week, by a SANE or another similarly trained appropriate medical provider, provide mentoring, consultation services, guidance, and technical assistance to appropriate medical providers during and outside of a forensic examination of a victim of a sexual offense. The network shall ensure that the system through which the network provides telehealth services meets national standards for interoperability to connect to telehealth systems.

7. The department may consult and enter into any necessary contracts with any other local, state, or federal agency, institution of higher education, or private entity to carry out the provisions of this section, including, but not limited to, a contract to:

- (1) Develop, implement, maintain, or operate the network;
- (2) Train and provide technical assistance to appropriate medical providers on conducting forensic examinations of victims of sexual offenses and the use of telehealth services; and
- (3) Provide consultation, guidance, or technical assistance to appropriate medical providers using telehealth services during a forensic examination of a victim of a sexual offense.

8. Beginning October 1, 2021, and each year thereafter, all hospitals licensed under chapter 197 shall report to the department the following information for the previous year:

- (1) The number of forensic examinations of victims of a sexual offense performed at the hospital;
- (2) The number of forensic examinations of victims of a sexual offense requested to be performed by a victim of a sexual offense that the hospital did not perform and the reason why the examination was not performed;
- (3) The number of evidentiary collection kits submitted to a law enforcement agency for testing; and
- (4) After July 1, 2022, the number of appropriate medical providers employed at or contracted with the hospital who utilized the training and telehealth services provided by the network.

The information reported under this subsection and subsection 9 of this section shall not include any personally identifiable information of any victim of a sexual offense or any appropriate medical provider performing a forensic examination of such victim.

9. Beginning January 1, 2022, and each year thereafter, the department shall make publicly available a report that shall include the information submitted under subsection 8 of this section. The report shall also include, in collaboration with the department of public safety, information about the number of evidentiary collection kits submitted by a person or entity outside of a hospital setting, as well as the number of appropriate medical providers utilizing the training and telehealth services provided by the network outside of a hospital setting.

10. (1) The funding for the network shall be subject to appropriations. In addition to appropriations from the general assembly, the department shall apply for available grants and shall be able to accept other gifts, grants, bequests, and donations to develop and maintain the network and the training offered by the network.

(2) There is hereby created in the state treasury the "Justice for Survivors Telehealth Network Fund", which shall consist of any gifts, grants, bequests, and donations accepted under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the

state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department for the purpose of developing and maintaining the network and the training offered by the network. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The department shall promulgate rules and regulations in order to implement the provisions of this section, including, but not limited to, the following:

- (1) The operation of a statewide telehealth network for forensic examinations of victims of sexual offenses;
- (2) The development of training for appropriate medical providers conducting a forensic examination of a victim of a sexual offense; and
- (3) Maintenance of records and data privacy and security of patient information.

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

193.075. CERTIFICATES AND REPORTS, FORM, FORMAT, CONTENTS. — 1. The forms of certificates and reports required by sections 193.005 to 193.325 or by regulations adopted hereunder shall include as a minimum the items recommended by the federal agency responsible for national vital statistics.

2. Each certificate, report, and other document required by sections 193.005 to 193.325 shall be on a form or in a format prescribed by the state registrar.

3. All vital records shall contain the date received for registration.

4. Information required in certificates or reports authorized by sections 193.005 to 193.325 may be filed and registered by photographic, electronic, or other means as prescribed by the state registrar.

5. In addition to other personal data required by the registrar to be entered on a birth certificate, each parent shall furnish to the registrar the Social Security account number, or numbers if applicable, issued to the parent unless the registrar finds good cause for not requiring the furnishing of such number or numbers. Good cause shall be determined in accordance with regulations established by the Secretary of the United States Department of Health and Human Services. The registrar shall make numbers furnished under this section available to the family support division **and the children's division** of the department of social services. Such numbers shall not be recorded on the birth certificate. The family support division shall not use any Social Security number furnished under the section for any purpose other than for the establishment and enforcement of child support obligations, and the confidentiality provisions and penalties contained in section 454.440 shall apply. **The children's division shall not use any Social Security number furnished under this section for any purpose other than verifying the identity of a parent of a child whose birth record information is provided under section 210.156 and the confidentiality provisions of section 210.156 shall apply.** Nothing in this section shall be construed to prohibit the department of health and senior services from using Social Security numbers for statistical purposes.

197.135. FORENSIC EXAMINATIONS, VICTIMS OF SEXUAL OFFENSE, REQUIREMENTS — WAIVER OF REQUIREMENTS, WHEN — REIMBURSEMENT OF COSTS — ACCESS TO STATEWIDE TELEHEALTH NETWORK REQUIRED. — 1. Beginning January 1, 2023, **or no later than six months**

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after the establishment of the statewide telehealth network under section 192.2520, whichever is later, any hospital licensed under this chapter shall perform a forensic examination using an evidentiary collection kit upon the request and consent of the victim of a sexual offense, or the victim's guardian, when the victim is at least fourteen years of age. In the case of minor consent, the provisions of subsection 2 of section 595.220 shall apply. Victims under fourteen years of age shall be referred, **and victims fourteen years of age but less than eighteen years of age may be referred**, to a SAFE CARE provider, as such term is defined in section 334.950, for medical or forensic evaluation and case review. Nothing in this section shall be interpreted to preclude a hospital from performing a forensic examination for a victim under fourteen years of age upon the request and consent of the victim or victim's guardian, subject to the provisions of section 595.220 and the rules promulgated by the department of public safety.

2. **(1)** An appropriate medical provider, as such term is defined in section 595.220, shall perform the forensic examination of a victim of a sexual offense. The hospital shall ensure that any provider performing the examination has received training conducting such examinations that is, at a minimum, equivalent to the training offered by the statewide telehealth network under subsection 4 of section 192.2520. **Nothing in this section shall require providers to utilize the training offered by the statewide telehealth network, as long as the training utilized is, at a minimum, equivalent to the training offered by the statewide telehealth network.**

(2) If the provider is not a sexual assault nurse examiner (SANE), or another similarly trained physician or nurse, then the hospital shall utilize telehealth services during the examination, such as those provided by the statewide telehealth network, to provide guidance and support through a SANE, or other similarly trained physician or nurse, who may observe the live forensic examination and who shall communicate with and support the onsite provider with the examination, forensic evidence collection, and proper transmission and storage of the examination evidence.

3. The department of health and senior services may issue a waiver of the telehealth requirements of subsection 2 of this section if the hospital demonstrates to the department, in writing, a technological hardship in accessing telehealth services or a lack of access to adequate broadband services sufficient to access telehealth services. Such waivers shall be granted sparingly and for no more than a year in length at a time, with the opportunity for renewal at the department's discretion.

4. The department shall waive the requirements of this section if the statewide telehealth network established under section 192.2520 ceases operation, the director of the department of health and senior services has provided written notice to hospitals licensed under this chapter that the network has ceased operation, and the hospital cannot, in good faith, comply with the requirements of this section without assistance or resources of the statewide telehealth network. Such waiver shall remain in effect until such time as the statewide telehealth network resumes operation or until the hospital is able to demonstrate compliance with the provisions of this section without the assistance or resources of the statewide telehealth network.

5. The provisions of section 595.220 shall apply to the reimbursement of the reasonable costs of the examinations and the provision of the evidentiary collection kits.

6. No individual hospital shall be required to comply with the provisions of this section and section 192.2520 unless and until the department provides such hospital with access to the statewide telehealth network for the purposes of mentoring and training services required under section 192.2520 without charge to the hospital.

208.018. FARMERS' MARKETS, SNAP PARTICIPANTS, PILOT PROGRAM TO PURCHASE FRESH FOOD — REQUIREMENTS — SUNSET PROVISION. — 1. Subject to federal approval, the department of social services shall establish a pilot program for the purpose of providing Supplemental Nutrition Assistance Program (SNAP) participants with access and the ability to afford fresh food when

purchasing fresh food at farmers' markets. The pilot program shall be established in at least one rural area and one urban area. Under the pilot program, such participants shall be able to:

(1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and honey with SNAP benefits with an electronic benefit transfer (EBT) card; and

(2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating farmers' market or vending urban agricultural zone as defined in section 262.900 in an amount up to ten dollars per week whenever the participant purchases fresh food with an EBT card.

2. For purposes of this section, the term "farmers' market" shall mean a market with multiple stalls at which farmer-producers sell agricultural products, particularly fresh fruit and vegetables, directly to the general public at a central or fixed location.

3. Purchases of approved fresh food by SNAP participants under this section shall automatically trigger matching funds reimbursement into the central farmers' market vendor accounts by the department.

4. The funding of this pilot program shall be subject to appropriation. In addition to appropriations from the general assembly, the department may apply for available grants and shall be able to accept other gifts, grants, and donations to develop and maintain the program.

5. The department shall promulgate rules setting forth the procedures and methods of implementing this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under and pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

6. Under and pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall sunset automatically six years after ~~the effective date of this section~~ **August 28, 2021**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

208.053. LOW-WAGE TRAP ELIMINATION ACT — HAND-UP PILOT PROGRAM, TRANSITIONAL CHILD CARE SUBSIDIES (JACKSON, CLAY AND GREENE COUNTIES) — REPORT — RULEMAKING — SUNSET PROVISION. — 1. The provisions of this section shall be known as the "Low-Wage Trap Elimination Act". In order to more effectively transition persons receiving state-funded child care subsidy benefits under this chapter, the children's division, in conjunction with the department of revenue, shall, subject to appropriations, by ~~January 1, 2013~~ **July 1, 2022**, implement a pilot program in ~~[at least one rural county and in at least one urban child care center that serves at least three hundred families]~~ **a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, and a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants**, to be called the "Hand-Up Program", to allow ~~[willing recipients who wish to participate]~~ **applicants** in the program to ~~[continue to]~~ receive ~~[such]~~ **transitional** child care ~~[subsidy]~~ benefits ~~[while sharing in the cost of such benefits through the payment of a premium, as follows:]~~ **without the requirement that such applicants first be eligible for full child care benefits.**

(1) For purposes of this section, "full child care benefits" shall be the full benefits awarded to a recipient based on the income eligibility amount established by the division through the annual appropriations process as of August 28, ~~2012~~ **2021**, to qualify for the benefits and shall not include the transitional child care benefits that are awarded to recipients whose income surpasses the eligibility level for full benefits to continue. The hand-up program shall be voluntary and shall be designed such that ~~a participating recipient will not be faced with a sudden loss of child care benefits should the recipient's income rise above the maximum allowable monthly income for persons to receive full child care benefits as of August 28, 2012.~~ In such instance, the recipient shall be permitted to continue to receive such benefits if the recipient pays a premium, to be paid via a payroll deduction if possible, to be applied only to that portion of the recipient's income above such maximum allowable monthly income for the receipt of full child care benefits as follows:

~~(a) The premium shall be forty four percent of the recipient's excess adjusted gross income over the maximum allowable monthly income for the applicable family size for the receipt of child care benefits;~~

~~(b) The premium shall be paid on a monthly basis by the participating recipient, or may be paid on a different periodic basis if through a payroll deduction consistent with the payroll period of the person's employer;~~

~~(c) The division shall develop a payroll deduction program in conjunction with the department of revenue, and shall promulgate rules for the payment of premiums, through such payroll deduction program or through an alternate method to be determined by the division, owed under the hand up program; and~~

~~(d) Participating recipients who fail to pay the premium owed shall be removed permanently from the program after sixty days of nonpayment;~~

~~(2) Subject to the receipt of federal waivers if necessary, participating recipients shall be eligible to receive child care service benefits at income levels all the way up to the level at which a person's premium equals the value of the child care service benefits received by the recipient;~~

~~(3) Only those recipients who currently receive full child care benefits as of joining the program and who had been receiving full child care service benefits for a period of at least four months prior to implementation by the division of this program shall be eligible to participate in the program. Only those recipients who agree to the terms of the hand up program during a ninety day sign up period shall be allowed to participate in the program, pursuant to rules to be promulgated by the division; and~~

~~(4) an applicant may begin receiving the transitional child care benefit without having first qualified for the full child care benefit or any other tier of the transitional child care benefit. Under no circumstances shall any applicant be eligible for the hand-up program if the applicant's income does not fall within the transitional child care benefit income limits established through the annual appropriations process.~~

(2) A participating recipient shall be allowed to opt out of the program at any time, but such person shall not be allowed to participate in the program a second time.

2. The division shall track the number of participants in the hand-up program~~], premiums and taxes paid by each participant in the program and the aggregate of such premiums and taxes, as well as the aggregate of those taxes paid on income exceeding the maximum allowable income for receiving full child care benefits outside the hand up program,]~~ and shall issue an annual report to the general assembly by ~~[January 1, 2014]~~ **September 1, 2023**, and annually on ~~[January]~~ **September** first thereafter, detailing the effectiveness of the pilot program in encouraging recipients to ~~[increase their income levels above the income maximum applicable to each recipient]~~ **secure employment earning an income greater than the maximum wage eligible for the full child care benefit.** The report shall also detail the costs of administration and the increased amount of state income tax paid ~~[and premiums paid]~~ as a result of the program, as well as an analysis of whether the pilot program could be expanded to include other types of benefits including but not limited to food stamps, temporary assistance for

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needy families, low-income heating assistance, women, infants and children supplemental nutrition program, the state children's health insurance program, and MO HealthNet benefits.

3. The division shall pursue all necessary waivers from the federal government to implement the hand-up program ~~[with the goal of allowing participating recipients to receive child care service benefits at income levels all the way up to the level at which a person's premium equals the value of the child care service benefits received by the recipient].~~ If the division is unable to obtain such waivers, the division shall implement the program to the degree possible without such waivers.

4. ~~[(1) There is hereby created in the state treasury the "Hand Up Program Premium Fund" which shall consist of premiums collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.~~

~~(2) All premiums received under the program shall be deposited in the fund, out of which the cost of administering the hand up program shall be paid, as well as the necessary payments to the federal government and to the state general revenue fund. Child care benefits provided under the hand up program shall continue to be paid for as under the existing state child care assistance program.~~

~~5. After the first year of the program, or sooner if feasible, the cost of administering the program shall be paid out of the premiums received. Any premiums collected exceeding the cost of administering the program shall, if required by federal law, be shared with the federal government and the state general revenue fund in the same proportion that the federal government shares in the cost of funding the child care assistance program with the state.~~

~~6.] Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated under this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.~~

~~[7.]~~ **5.** Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically three years after August 28, ~~[2014]~~ **2021**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically ~~[six]~~ **three** years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

208.226. ANTIPSYCHOTIC MEDICATION, NO RESTRICTIONS ON AVAILABILITY IN MO HEALTHNET PROGRAM — PROVIDER UPDATES, CONTENT. — 1. No restrictions to access shall be imposed that preclude availability of any individual antipsychotic medication.

2. The provisions of this section shall not prohibit the division from utilizing clinical edits to ensure clinical best practices, including, but not limited to:

- (1) Drug safety and avoidance of harmful drug interactions;**
- (2) Compliance with nationally recognized and juried clinical guidelines from national medical associations using medical evidence and emphasizing best practice principles;**
- (3) Detection of patients receiving prescription drugs from multiple prescribers; and**
- (4) Detection, prevention, and treatment of substance use disorders.**

3. The division shall issue a provider update no less than twice annually to enumerate treatment and utilization principles for MO HealthNet providers, including, but not limited to:

- (1) Treatment with antipsychotic drugs, as with any other form of treatment, should be individualized in order to optimize the patient's recovery and stability;
- (2) Treatment with antipsychotic drugs should be as effective, safe, and well-tolerated as supported by best medical evidence;
- (3) Treatment with antipsychotic drugs should consider the individual patient's needs, preferences, and vulnerabilities;
- (4) Treatment with antipsychotic drugs should support an improved quality of life for the patient; and
- (5) Treatment choices should be informed by the best current medical evidence and should be updated consistent with evolving nationally recognized best practice guidelines.

4. If the division implements any new policy or clinical edit for an antipsychotic drug, the division shall continue to allow MO HealthNet participants access to any antipsychotic drug that they utilize and on which they are stable or that they have successfully utilized previously. The division may recommend a resource list with no restrictions to access.

208.227. MULTIPLE PRESCRIPTIONS, CASE MANAGEMENT AND SURVEILLANCE PROGRAMS TO BE ESTABLISHED — RULEMAKING AUTHORITY — STATE PLAN AMENDMENTS AND WAIVERS. — 1. ~~[No restrictions to access shall be imposed that preclude availability of any individual atypical antipsychotic monotherapy for the treatment of schizophrenia, bipolar disorder, or psychosis associated with severe depression.]~~ The division shall establish a pharmaceutical case management or polypharmacy program for high risk MO HealthNet participants with numerous or multiple prescribed drugs. The division shall also establish a behavioral health pharmacy and opioid surveillance program to encourage the use of best medical evidence-supported prescription practices. The division shall communicate with providers, as such term is defined in section 208.164, whose prescribing practices deviate from or do not otherwise utilize best medical evidence-supported prescription practices. The communication may be telemetric, written, oral, or some combination thereof. These programs shall be established and administered through processes established and supported under a memorandum of understanding between the department of mental health and the department of social services, or their successor entities.

2. The provisions of this section shall not prohibit the division from utilizing clinical edits to ensure clinical best practices, including, but not limited to:

- (1) Drug safety and avoidance of harmful drug interactions;
- (2) Compliance with nationally recognized and juried clinical guidelines from national medical associations using medical evidence and emphasizing best practice principles;
- (3) Detection of patients receiving prescription drugs from multiple prescribers; and
- (4) Detection, prevention, and treatment of substance use disorders.

3. ~~[The division shall issue a provider update no less than twice annually to enumerate treatment and utilization principles for MO HealthNet providers including, but not limited to:~~

- ~~(1) Treatment with antipsychotic drugs, as with any other form of treatment, should be individualized in order to optimize the patient's recovery and stability;~~
- ~~(2) Treatment with antipsychotic drugs should be as effective, safe, and well-tolerated as supported by best medical evidence;~~
- ~~(3) Treatment with antipsychotic drugs should consider the individual patient's needs, preferences, and vulnerabilities;~~
- ~~(4) Treatment with antipsychotic drugs should support an improved quality of life for the patient;~~
- ~~(5) Treatment choices should be informed by the best current medical evidence and should be updated consistent with evolving nationally recognized best practice guidelines; and~~

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~~(6) Cost considerations in the context of best practices, efficacy, and patient response to adverse drug reactions should guide antipsychotic medication policy and selection once the preceding principles have been maximally achieved.~~

~~4. If the division implements any new policy or clinical edit for an antipsychotic drug, the division shall continue to allow MO HealthNet participants access to any antipsychotic drug that they utilize and on which they are stable or that they have successfully utilized previously. The division shall adhere to the following:~~

~~(1) If an antipsychotic drug listed as "nonpreferred" is considered clinically appropriate for an individual patient based on the patient's previous response to the drug or other medical considerations, prior authorization procedures, as such term is defined in section 208.164, shall be simple and flexible;~~

~~(2) If an antipsychotic drug listed as "nonpreferred" is known or found to be safe and effective for a given individual, the division shall not restrict the patient's access to that drug. Such nonpreferred drug shall, for that patient only and if that patient has been reasonably adherent to the prescribed therapy, be considered "preferred" in order to minimize the risk of relapse and to support continuity of care for the patient;~~

~~(3) A patient shall not be required to change antipsychotic drugs due to changes in medication management policy, prior authorization, or a change in the payor responsible for the benefit; and~~

~~(4) Patients transferring from state psychiatric hospitals to community based settings, including patients previously found to be not guilty of a criminal offense by reason of insanity or who have previously been found to be incompetent to stand trial, shall be permitted to continue the medication regimen that aided the stability and recovery so that such patient was able to successfully transition to the community based setting.~~

~~5. The division's medication policy and clinical edits shall provide MO HealthNet participants initial access to multiple Food and Drug Administration approved antipsychotic drugs that have substantially the same clinical differences and adverse effects that are predictable across individual patients and whose manufacturers have entered into a federal rebate agreement with the Department of Health and Human Services. Clinical differences may include, but not be limited to, weight gain, extrapyramidal side effects, sedation, susceptibility to metabolic syndrome, other substantial adverse effects, the availability of long acting formulations, and proven efficacy in the treatment of psychosis. The available drugs for an individual patient shall include, but not be limited to, the following categories:~~

~~(1) At least one relatively weight neutral atypical antipsychotic medication;~~

~~(2) At least one long acting injectable formulation of an atypical antipsychotic;~~

~~(3) Clozapine;~~

~~(4) At least one atypical antipsychotic medication with relatively potent sedative effects;~~

~~(5) At least one medium potency typical antipsychotic medication;~~

~~(6) At least one long acting injectable formulation of a high potency typical antipsychotic medication;~~

~~(7) At least one high potency typical antipsychotic medication; and~~

~~(8) At least one low potency typical antipsychotic medication.~~

~~6. Nothing in subsection 5 of this section shall be construed to require any of the following:~~

~~(1) Step therapy or a trial of a typical antipsychotic drug before permitting a patient access to an atypical drug or antipsychotic medication;~~

~~(2) A limit of one atypical antipsychotic drug as an open access, first choice agent; or~~

~~(3) A trial of one of the eight categories of drugs listed in subsection 5 of this section before having access to the other seven categories.~~

~~7.] The department of social services may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section~~

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and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

[8-] 4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.

[9- As used in this section, the following terms mean:

- (1) "Division", the MO HealthNet division of the department of social services;
- (2) "Reasonably adherent", a patient's adherence to taking medication on a prescribed schedule as measured by a medication possession ratio of at least seventy five percent;
- (3) "Successfully utilized previously", a drug or drug regimen's provision of clinical stability in treating a patient's symptoms.]

208.285. FARMERS' MARKET NUTRITION PROGRAM, DEPARTMENT TO APPLY FOR GRANTS — VOUCHERS FOR FRESH PRODUCE — RULEMAKING AUTHORITY. — 1. The department of agriculture shall apply for a grant under the United States Department of Agriculture's Senior Farmers' Market Nutrition Program and **apply for a grant and submit a state plan under the United States Department of Agriculture's Women, Infants, and Children (WIC) Farmers' Market Nutrition Program** to provide low-income seniors and **pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk** with vouchers or other approved and acceptable methods of payment including, but not limited to, electronic cards that may be used to purchase eligible foods at farmers' markets~~], roadside stands, and community-supported agriculture (CSA) programs].~~

2. There is hereby established the "Missouri ~~Senior~~ Farmers' Market Nutrition Program" within the department of agriculture. Upon receipt of any grant moneys under subsection 1 of this section, the program shall supply Missouri-grown, fresh produce to ~~senior~~ participants through the distribution of vouchers or other approved methods of payment that may be used only at designated Missouri farmers' markets~~], roadside stands, and CSA programs].~~ The program is designed to provide a supplemental source of fresh produce for the dietary needs of low-income seniors and **pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk**; to stimulate an increased demand for Missouri-grown produce at farmers' markets~~], roadside stands, and CSA programs];~~ and to develop new and additional farmers' markets~~], roadside stands, and CSA programs].~~

3. Eligible seniors and **pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk** shall receive ~~senior~~ farmers' market nutrition program vouchers or other approved methods of payment from designated distribution sites in their county of residence **or a neighboring county**. Upon the issuance of vouchers or other approved methods of payment, participants shall be provided with a list of participating farmers~~];~~ and farmers' markets~~], roadside stands, and CSA programs.~~ ~~The department shall provide distribution site information at all county area agencies on aging].~~

4. For purposes of this section, "~~senior~~ participant" means a person who is sixty years of age or older ~~by December thirty first of the program year~~ **at the time of application** and who meets the income eligibility criteria based on guidelines published annually by the United States Department of Agriculture **or a person who participates in the women, infants, and children (WIC) special supplemental nutrition program administered by the department of health and senior services.**

5. **The department of agriculture and any other state department, state or local government agency, or nonprofit entity participating in the Missouri farmers' market nutrition program shall cooperate as necessary including, but not limited to, entering into written agreements in order to**

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Matter in bold-face type is proposed language.

effectively establish and maintain the United States Department of Agriculture's Senior Farmers' Market and the Women, Infants, and Children (WIC) Farmers' Market Nutrition Programs.

6. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

208.1060. FOOD BANKS, STATE PLAN TO BE SUBMITTED FOR FEDERAL PROJECT. — The department of social services shall submit a state plan to the U.S. Department of Agriculture for a "Farm to Food Bank Project" under 7 CFR 251.10(j) and shall contract with any qualified food bank, as defined in 7 CFR 251.3(f), for the purpose of operating the project.

210.115. REPORTS OF ABUSE, NEGLECT, AND UNDER AGE EIGHTEEN DEATHS — PERSONS REQUIRED TO REPORT — SUPERVISORS AND ADMINISTRATORS NOT TO IMPEDE REPORTING — DEATHS REQUIRED TO BE REPORTED TO THE DIVISION OR CHILD FATALITY REVIEW PANEL, WHEN — REPORT MADE TO ANOTHER STATE, WHEN — UNACCOMPANIED OR HOMELESS YOUTH. —

1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, volunteer or personnel of a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney pursuant to sections 475.600 to 475.604, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report to the division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation shall be initiated until such a report has been made. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. If two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a designated member of that medical team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter immediately make the report. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report under this section shall be subject to any sanction, including any adverse employment action, for making such report. Every employer shall ensure that any employee required to report pursuant to subsection 1 of this section has immediate and unrestricted access to communications technology necessary to make an immediate report and is temporarily relieved of other work duties for such time as is required to make any report required under subsection 1 of this section.

4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

5. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

6. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

7. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting to the division.

8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri children's division, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the children's division.

9. **For the purposes of providing supportive services or verifying the status of a youth as unaccompanied or homeless for the purposes of accessing supportive services, the fact that a child is an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6) is not, in and of itself, a sufficient basis for reporting child abuse or neglect, unless the child is under sixteen years of age or is an incapacitated person, as defined in section 475.010. Nothing in this subsection shall limit a mandated reporter from making a report under this section if the mandated reporter knows or has reasonable cause to suspect that an unaccompanied youth has been or may be a victim of abuse or neglect.**

210.121. UNACCOMPANIED YOUTH — DEFINITIONS — ACCESS TO SUPPORTIVE SERVICES — STATUS DOCUMENTATION — IMMUNITY FROM LIABILITY, WHEN. — 1. As used in this section, the following terms mean:

(1) "Service provider", a public or private nonprofit organization that provides age-appropriate shelter or supportive services to unaccompanied youth and whose director or designee is a licensed mental health professional, licensed social worker, or licensed counselor;

(2) "Shelter", an emergency shelter, transitional living program, or independent living program services;

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(3) "Supportive services", interventions, services, or resources necessary to assist an unaccompanied youth. "Supportive services" shall include, but are not limited to, the following:

- (a) Food and access to an overnight shelter;
 - (b) Housing search, counseling, rental assistance, financial assistance with eviction prevention, utilities, security deposit, relocation, and other housing support services;
 - (c) Services for families to prevent separation and support reunification if safe and appropriate;
 - (d) Employment assistance, job training, and job placement;
 - (e) Assistance and advocacy to ensure access to federal, state, and local benefits;
 - (f) Assistance and advocacy to ensure access to education;
 - (g) Services to prevent and treat violence and crime victimization;
 - (h) Child care operations and vouchers;
 - (i) Legal services;
 - (j) Life skills training;
 - (k) Outpatient health, behavioral health, and substance abuse treatment services;
 - (l) Transportation;
 - (m) Outreach services; and
 - (n) Homelessness prevention services;
- (4) "Unaccompanied youth", the same meaning as such term is defined in 42 U.S.C. Section 11434a(6).

2. An unaccompanied youth may access supportive services so long as the youth is verified as an unaccompanied youth as provided under subsection 3 of this section.

3. Acceptable documentation to verify the status of an unaccompanied youth shall include, but is not limited to, the following:

(1) A statement documenting the youth as an unaccompanied youth that is signed by a licensed mental health professional, licensed social worker, or licensed counselor of a government or nonprofit agency that receives public or private funding to provide services to homeless people and is currently licensed as a case management service provider;

(2) A statement documenting the youth as an unaccompanied youth that is signed by a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or

(3) A statement documenting that the youth is an unaccompanied youth that is signed by an attorney representing the youth in any legal matter.

4. A person who in good faith accepts a written statement under subdivision (1) of subsection 3 of this section and who is without actual knowledge that the statement is fraudulent or otherwise invalid may rely upon the statement as if it were genuine and shall not be held liable in any civil or criminal action for providing shelter or supportive services without having obtained permission from the minor's parent or guardian. The service provider shall not be relieved from liability for negligence or criminal acts on the basis of this section.

210.150. CONFIDENTIALITY OF REPORTS AND RECORDS, EXCEPTIONS — VIOLATIONS, PENALTY. — 1. The children's division shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the children's division shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to

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such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings or child custody proceedings, and other federal, state and local government entities, or any agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect;

(7) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the child named in the report as a victim or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the child named in the report as a victim or, if the child is less than eighteen years of age, through the child's parent, or guardian provides written permission;

(8) Any child-care facility; child-placing agency; residential-care facility, including group homes; juvenile courts; public or private elementary schools; public or private secondary schools; or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Any agency or business recognized by the division or business which provides training and places or recommends people for employment or for volunteers in positions where they will provide services or care to children may request the division to provide an examination of the central registry. Such agency or business shall provide verification of its status as a recognized agency. Requests for examinations shall be made to the division director or the director's designee in writing by the chief

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administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(9) Any parent or legal guardian who inquires about a child abuse or neglect report involving a specific person or child-care facility who does or may provide services or care to a child of the person requesting the information. Request for examinations shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied with a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect. The response shall be given within ten working days of the time it was received by the division;

(10) Any person who inquires about a child abuse or neglect report involving a specific child-care facility, child-placing agency, residential-care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any report contained in the central registry and shall not include any identifying information pertaining to any person mentioned in the report;

(11) Any state agency acting pursuant to statutes regarding a license of any person, institution, or agency which provides care for or services to children;

(12) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(13) Any person who is a tenure-track or full-time research faculty member at an accredited institution of higher education engaged in scholarly research, with the permission of the director. Prior to the release of any identifying information, the director shall require the researcher to present a plan for maintaining the confidentiality of the identifying information. The researcher shall be prohibited from releasing the identifying information of individual cases; ~~and~~

(14) Appropriate staff of the United States Department of Defense including, but not limited to, authorized family advocacy program staff or any other staff authorized to receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military or is a member of the Armed Forces, as defined in section 41.030; **and**

(15) The state registrar of vital statistics, or his or her designee, but the information made available shall be limited to identifying information only for the purposes of providing birth record information under section 210.156.

3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect and which the division has determined that there is insufficient evidence or in which the division proceeded with the family assessment and services approach:

(1) Appropriate staff of the division;

(2) Any child named in the report as a victim, or a legal representative, or the parent or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent. The names or other identifying information of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a

person's life or safety may be in danger, the identifying information shall not be released. The division shall provide for a method for confirming or certifying that a designee is acting on behalf of a subject;

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(5) Appropriate criminal justice agency personnel or juvenile officer;

(6) Multidisciplinary agency or individual including a physician or physician's designee who is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;

(7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission; and

(8) Appropriate staff of the United States Department of Defense including, but not limited to, authorized family advocacy program staff or any other staff authorized to receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military or is a member of the Armed Forces, as defined in section 41.030.

4. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

5. Nothing in this section shall preclude the release of findings or information about cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director of the department of social services, based upon a review of the potential harm to other children within the immediate family.

6. Notwithstanding any provisions of this section or chapter to the contrary, if the division receives a report and ascertains that a suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military or is a member of the Armed Forces, as defined in section 41.030, the division shall report its findings to the most relevant family advocacy program authorized by the United States Department of Defense or any other relevant person authorized by the United States Department of Defense to receive reports under 10 U.S.C. Section 1787.

210.156. IDENTIFYING INFORMATION PROVIDED TO STATE REGISTRAR, WHEN — STATE REGISTRAR TO PROVIDE CERTAIN RECORDS TO DIVISION — CONFIDENTIALITY OF INFORMATION — RULEMAKING AUTHORITY. — 1. The children's division shall make available to the state registrar of vital statistics the identifying information of the following individuals of whom the division has knowledge:

(1) Individuals whose parental rights have been terminated under section 211.447 and who are identified in the central registry as having a finding by the division or a court adjudication of child abuse or neglect within the previous ten years; and

(2) Individuals identified in the central registry who have pled guilty or have been found guilty, within the previous ten years, of an offense under the following, if the victim is a child less than eighteen years of age: chapter 566 or section 565.020, 565.021, 565.023, 565.024, 567.050, 568.020, 568.065, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205.

2. The state registrar shall provide to the division the birth record information of children born to individuals whose identifying information has been provided under subsection 1 of this section. The division shall verify that the parent of the child is the same individual whose identifying information was provided and, if the parent's identity has been verified, shall provide the appropriate local office with information regarding the birth of the child. Appropriate local division personnel, or local providers designated by the division, shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and time-limited services as appropriate. The division shall document the results of such contact and services provided, if any, in the information system established under section 210.109.

3. The children's division and the state registrar shall ensure the confidentiality of all identifying information and birth records provided under this section and shall not disclose such information and records except as needed to effectuate the provisions of this section. Such information and records shall be considered closed records under chapter 610.

4. The division may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

210.201. DEFINITIONS. — As used in sections 210.201 to 210.257, the following terms mean:

- (1) "Child", an individual who is under the age of seventeen;
- (2) "Child care", care of a child away from his or her home for any part of the twenty-four-hour day for compensation or otherwise. "Child care" is a voluntary supplement to parental responsibility for the child's protection, development, and supervision;
- (3) "Child-care facility" or "child care facility", a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing child care for any part of the twenty-four-hour day for compensation or otherwise if providing child care to more than:
 - (a) Six children; or
 - (b) Three children under two years of age;
- (4) "Child care provider" or "provider", the person or persons licensed or required to be licensed under section 210.221 to establish, conduct, or maintain a child care facility;
- (5) "Montessori school", a child care program that **[subscribes to Maria Montessori's educational philosophy and that is accredited by the American Montessori Society or the Association Montessori Internationale]** is either accredited by, actively seeking accreditation by, or maintains an active school membership with the American Montessori Society, the Association Montessori Internationale, the International Montessori Counsel, or the Montessori Educational Programs International;
- (6) "Neighborhood youth development program", as described in section 210.278;
- (7) "Nursery school", a program operated by a person or an organization with the primary function of providing an educational program for preschool-age children for no more than four hours per day per child;

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(8) "Person", any individual, firm, corporation, partnership, association, agency, or an incorporated or unincorporated organization regardless of the name used;

(9) "Religious organization", a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes;

(10) "School system", a program established primarily for education and that meets the following criteria:

(a) Provides education in at least the first to the sixth grade; and

(b) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student;

(11) "Summer camp", a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child care for children under five years of age in the same building or in the same outdoor play area.

210.251. STATE AND FEDERAL FUNDS TO BE MADE AVAILABLE TO CENTERS TO UPGRADE STANDARDS — AT-RISK CHILDREN PROGRAM, LIMITATION ON REQUIREMENTS. — 1. By January 1, 1994, financial incentives shall be provided by the department of health and senior services through the child development block grant and other public moneys for child-care facilities wishing to upgrade their standard of care and which meet quality standards.

2. The department of health and senior services shall make federal funds available to licensed or inspected child-care centers pursuant to federal law as set forth in the Child and Adult Food Program, 42 U.S.C. 1766.

3. Notwithstanding any other provision of law to the contrary, in the administration of the program for at-risk children through the Child and Adult Food Program, 42 U.S.C. 1766, this state shall not have requirements that are stricter than federal regulations for participants in such program. Child care facilities shall not be required to be licensed child care providers to participate in such federal program so long as minimum health and safety standards are met and documented.

210.252. FIRE, SAFETY, HEALTH AND SANITATION INSPECTIONS, PROCEDURE — VARIANCES TO RULES GRANTED WHEN — RULES AUTHORIZED. — 1. All buildings and premises used by a child-care facility to care for more than six children except those exempted from the licensing provisions of the department of health and senior services pursuant to subdivisions (1) to (15) of subsection 1 of section 210.211, shall be inspected annually for fire and safety by the state fire marshal, the marshal's designee or officials of a local fire district and for health and sanitation by the department of ~~health and senior services~~ **elementary and secondary education or the department's designee, including officials of the department of health and senior services**, or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child-care facility.

2. Local inspection of child-care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

3. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of ~~health and senior services~~ **elementary and secondary education** and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval

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of a variance application shall be with the department of ~~health and senior services~~ **elementary and secondary education**. Local inspectors may grant a variance, subject to approval by the department.

4. The department of ~~health and senior services~~ **elementary and secondary education** shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, **the department of elementary and secondary education**, local fire departments and local health agencies.

5. The department of ~~health and senior services~~ **elementary and secondary education** shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for the protection of children in all child-care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

6. **The department of health and senior services, after consultation with the department of elementary and secondary education, may promulgate rules and regulations to implement and administer the provisions of this section related to sanitation requirements. Such rules and regulations shall provide for the protection of children in all child-care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.**

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.252 to 210.256 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

210.950. SAFE PLACE FOR NEWBORNS ACT — DEFINITIONS — PROCEDURE — IMMUNITY FROM LIABILITY — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

(1) "Hospital", as defined in section 197.020;

(2) "Maternity home", the same meaning as such term is defined in section 135.600;

(3) **"Newborn safety incubator", a medical device used to maintain an optimal environment for the care of a newborn infant;**

(4) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant **in a newborn safety incubator or** with any person listed in subsection 3 of this section in accordance with this section;

~~[(4)]~~ (5) "Pregnancy resource center", the same meaning as such term is defined in section 135.630;

~~[(5)]~~ (6) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant **in a newborn safety incubator or** with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050 for actions related to the voluntary relinquishment of a child up to forty-five days old pursuant to this section if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to **a newborn safety incubator or to** the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, maternity home, or pregnancy resource center in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position; or

(c) A law enforcement officer;

(2) The child was no more than forty-five days old when delivered by the parent to **the newborn safety incubator or to** any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.

4. A parent voluntarily relinquishing a child under this section shall not be required to provide any identifying information about the child or the parent. No person shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or agent of this state or any political subdivision of this state shall attempt to locate or determine the identity of such parent. In addition, any person who obtains information on the relinquishing parent shall not disclose such information except to the following:

(1) A birth parent who has waived anonymity or the child's adoptive parent;

(2) The staff of the department of health and senior services, the department of social services, or any county health or social services agency or licensed child welfare agency that provides services to the child;

(3) A person performing juvenile court intake or dispositional services;

(4) The attending physician;

(5) The child's foster parent or any other person who has physical custody of the child;

(6) A juvenile court or other court of competent jurisdiction conducting proceedings relating to the child;

(7) The attorney representing the interests of the public in proceedings relating to the child; and

(8) The attorney representing the interests of the child.

5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court order, take physical custody of a child the person reasonably believes to be no more than forty-five days old and is delivered in accordance with this section by a person purporting to be the child's parent **or is delivered in accordance with this section to a newborn safety incubator**. If delivery of a newborn is made pursuant to this section in any place other than a hospital, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197.

6. The hospital, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health or safety of the child. The hospital shall notify the children's division and the local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer shall immediately begin protective custody proceedings and request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the children's division shall take physical custody of the child. The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

7. In any termination of parental rights proceeding initiated after the relinquishment of a child pursuant to this section, the juvenile officer shall make public notice that a child has been relinquished, including the sex of the child, and the date and location of such relinquishment. Within thirty days of such public notice, the parent wishing to establish parental rights shall identify himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016 to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts

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have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

8. (1) If a relinquishing parent of a child relinquishes custody of the child to **a newborn safety incubator or to any person listed in subsection 3 of this section** in accordance with this section and to preserve the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to establish parentage within thirty days after the public notice or specific notice provided in subsection 7 of this section.

(2) If either parent fails to take steps to establish parentage within the thirty-day period specified in subdivision (1) of this subsection, either parent may have all of his or her rights terminated with respect to the child.

(3) When either parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer such parent to the children's division and the juvenile court exercising jurisdiction over the child.

9. The persons listed in subdivision (1) of subsection 3 of this section shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

10. The children's division shall:

(1) Provide information and answer questions about the process established by this section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

(2) Provide information to the public by way of pamphlets, brochures, or by other ways to deliver information about the process established by this section.

11. It shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily relinquished a child no more than one year old under this section.

12. Nothing in this section shall be construed as conflicting with section 210.125.

13. The director of the department of health and senior services may promulgate all necessary rules and regulations for the administration of this section, including rules governing the specifications, installation, maintenance, and oversight of newborn safety incubators. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

210.1225. PHYSICAL CUSTODY OF CHILD IN DIVISION CUSTODY TAKEN AFTER HOSPITALIZATION — REIMBURSEMENT OF HOSPITAL, WHEN — EMERGENCY PSYCHIATRIC TREATMENT. — 1. If a child who is in the legal custody of the children's division is hospitalized but is no longer in need of medical care at the hospital, the division shall take physical custody of the child. If the division fails to take physical custody of the child, then the division shall reimburse the hospital at the same rate the hospital would receive per day for an inpatient admission.

2. If the division requests transportation of a child to an emergency room, the hospital to which the child is transported or any subsequent psychiatric hospital to which the child is transferred shall be allowed to administer appropriate emergency psychiatric treatment.

211.211. RIGHT TO COUNSEL OR GUARDIAN AD LITEM — COUNSEL APPOINTED, WHEN — WAIVER, EXCEPTIONS FOR CERTAIN PROCEEDINGS. — 1. A child is entitled to be represented by counsel in all proceedings under subdivision (2) or (3) of subsection 1 of section 211.031 and by a guardian ad litem in all proceedings under subdivision (1) of subsection 1 of section 211.031.

2. The court shall appoint counsel for a child prior to the filing of a petition if a request is made therefor to the court and the court finds that the child is the subject of a juvenile court proceeding and that the child making the request is indigent.

3. **(1)** When a petition has been filed under subdivision (2) or (3) of subsection 1 of section 211.031, the court ~~shall~~ **may** appoint counsel for the child except if private counsel has entered his or her appearance on behalf of the child or if counsel has been waived in accordance with law; **except that, counsel shall not be waived for any proceeding specified under subsection 10 of this section unless the child has had the opportunity to meaningfully consult with counsel and the court has conducted a hearing on the record.**

(2) If a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing and shall be made knowingly, intelligently, and voluntarily. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances including, but not limited to, the child's age, intelligence, background, and experience generally and in the court system specifically; the child's emotional stability; and the complexity of the proceedings.

4. When a petition has been filed and the child's custodian appears before the court without counsel, the court shall appoint counsel for the custodian if it finds:

- (1) That the custodian is indigent; and
- (2) That the custodian desires the appointment of counsel; and
- (3) That a full and fair hearing requires appointment of counsel for the custodian.

5. Counsel shall be allowed a reasonable time in which to prepare to represent his client.

6. Counsel shall serve for all stages of the proceedings, including appeal, unless relieved by the court for good cause shown. If no appeal is taken, services of counsel are terminated following the entry of an order of disposition.

7. The child and his custodian may be represented by the same counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the child and his custodian be represented by separate counsel, and it shall appoint counsel if required by subsection 3 or 4 of this section.

8. When a petition has been filed, a child may waive his or her right to counsel only with the approval of the court **and if such waiver is not prohibited under subsection 10 of this section. If a child waives his or her right to counsel for any proceeding except proceedings under subsection 10 of this section, the waiver shall only apply to that proceeding. In any subsequent proceeding, the child shall be informed of his or her right to counsel.**

9. Waiver of counsel by a child may be withdrawn at any stage of the proceeding, in which event the court shall appoint counsel for the child if required by subsection 3 of this section.

10. A child's right to be represented by counsel shall not be waived in any of the following proceedings:

(1) At any contested detention hearing under Missouri supreme court rule 127.08 where the petitioner alleges that the child violated any law that, if committed by an adult, would be a felony unless an agreement is otherwise reached;

(2) At a certification hearing under section 211.071 or a dismissal hearing under Missouri supreme court rule 129.04;

(3) At an adjudication hearing under Missouri supreme court rule 128.02 for any felony offense or at any detention hearing arising from a misdemeanor or felony motion to modify or revoke, including the acceptance of an admission;

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- (4) At a dispositional hearing under Missouri supreme court rule 128.03; or
- (5) At a hearing on a motion to modify or revoke supervision under subdivision (2) or (3) of subsection 1 of section 211.031.

261.450. FOOD SECURITY TASK FORCE, MEMBERS, MEETINGS — MISSION — REPORT — TERMINATION DATE. — 1. There is hereby established the "Missouri Food Security Task Force".

2. The task force shall be comprised of the following members:

(1) Two members of the house of representatives, with one member to be appointed by the speaker of the house of representatives and one member to be appointed by the minority floor leader of the house of representatives;

(2) Two members of the senate, with one member to be appointed by the president pro tempore of the senate and one member to be appointed by the minority floor leader of the senate;

(3) The director of the department of agriculture, or the director's designee;

(4) The director of the department of economic development, or the director's designee;

(5) The director of the department of health and senior services, or the director's designee;

(6) The director of the department of social services, or the director's designee;

(7) One registered dietician, appointed by the Missouri Academy of Nutrition and Dietetics;

(8) The commissioner of the department of elementary and secondary education, or the commissioner's designee;

(9) Two representatives from institutions of higher education located in Missouri, with knowledge or experience with hunger on college campuses, with one representative from a four-year college or university and one representative from a two-year college;

(10) One member representing a statewide association providing direct services to low-income Missourians experiences food insecurity;

(11) Two members representing advocacy organizations focused on addressing child hunger and family food insecurity;

(12) One member representing food banks located in Missouri;

(13) One member representing a business specializing in retail or direct food sales;

(14) Two members representing a community development financial institution, one with experience in food retail financing and one with experience in consumers experiencing food insecurity;

(15) Two members representing local food producers, with one representing an urban area and one representing a rural area;

(16) Two members representing statewide farmer-led or farmer-based organizations;

(17) One member representing a faith-based organization offering food security services; and

(18) One member representing a nonprofit organization working in food systems to address food insecurity concerns.

3. Members of the task force, other than the legislative members and directors of state agencies, shall be appointed by the director of the department of agriculture.

4. The director of the department of agriculture shall ensure that the membership of the task force reflects the diversity of the state, with members on the task force representing urban and rural areas and various geographic regions of the state.

5. The department of agriculture shall provide technical and administrative support as required by the task force to fulfill its duties.

6. State departments shall provide relevant data as requested by the task force to fulfill its duties.

7. Members of the task force shall serve without compensation but shall receive reimbursement for actual and necessary expenses incurred in attending meetings of the task force or any subcommittee thereof.

8. The task force shall hold its first meeting within two months after the effective date of this section and organize by selecting a chair and a vice chair.

9. The mission of the task force shall be to:

(1) Determine the ability of individuals located in urban and rural areas throughout the state to access healthy food and identify populations and areas in which access to food is limited or uncertain;

(2) Identify ways in which the state could connect resources and individuals in an effort to ensure food security for all Missourians;

(3) Evaluate the impact of tax increment financing projects and restrictive deed covenants imposed by grocery retailers on creating food deserts or prolonging existing food deserts;

(4) Evaluate the potential impacts of online food retail on food insecurity throughout the state; and

(5) Evaluate potential strategies to improve collaborations and efficiencies in federal and state nutrition safety net programming.

10. The task force shall report a summary of its findings and recommendations to the governor's office and the general assembly by August twenty-eighth of each year.

11. The task force shall be dissolved on December 31, 2023, unless extended until December 31, 2025, as determined necessary by the department of agriculture.

285.625. DEFINITIONS. — As used in sections 285.625 to 285.670, the following terms mean:

(1) "Abuse", the same meaning as in section 210.110;

(2) "Director", the director of the department of labor and industrial relations;

(3) "Domestic violence", the same meaning as in section 455.010;

(4) "Employ", the act of employing or state of being employed, engaged, or hired to perform work or services of any kind or character within the state of Missouri;

(5) "Employee", any person performing work or service of any kind or character for hire within the state of Missouri;

(6) "Employer", the state or any agency of the state, political subdivision of the state, or any person that employs at least twenty employees;

(7) "Employee benefit plan" or "plan", an employee welfare benefit plan or an employee pension benefit plan or a plan that is both an employee welfare benefit plan and an employee pension benefit plan;

(8) "Employment benefits", all benefits provided or made available to employees by an employer, including life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, pensions, and profit-sharing, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan";

(9) "Family or household member", for employees with a family or household member who is a victim of domestic or sexual violence, a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household;

(10) "Parent", the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter who is a victim of domestic or sexual violence;

(11) "Person", an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons;

(12) "Public agency", the government of the state or of any political subdivision thereof, any agency of the state or of any political subdivision of the state, or any other governmental agency;

(13) "Public assistance", includes cash, food stamps, medical assistance, housing assistance, and other benefits provided on the basis of income by a public agency or public employer;

(14) "Qualified individual", in the case of:

(a) An applicant or employee of an employer, an individual who, but for being a victim of domestic or sexual violence or with a family or household member who is a victim of domestic or sexual violence, can perform the essential functions of the employment position that such individual holds or desires; or

(b) An applicant for or recipient of public assistance from a public agency, an individual who, but for being a victim of domestic or sexual violence or with a family or household member who is a victim of domestic or sexual violence, can satisfy the essential requirements of the program providing the public assistance that the individual receives or desires;

(15) "Reasonable safety accommodation", an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable;

(16) "Reduced work schedule", a work schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee;

(17) "Sexual violence", a sexual assault, as defined in section 455.010, and trafficking for the purposes of sexual exploitation as described in section 566.209;

(18) "Son or daughter", a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen years of age, or is eighteen years of age or older and incapable of self-care because of a mental or physical disability and is a victim of domestic or sexual violence;

(19) "Undue hardship", significant difficulty or expense, when considered in light of the nature and cost of the reasonable safety accommodation;

(20) "Victim of domestic or sexual violence", an individual who has been subjected to domestic violence, sexual violence, or abuse;

(21) "Victim services organization", a nonprofit, nongovernmental organization that provides assistance to victims of domestic violence or to advocates for such victims, including a rape crisis center, a child advocacy center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process;

(22) "Work", any job, task, labor, services, or any other activity for which compensation is provided, expected, or due.

285.630. UNPAID LEAVE PROVIDED, WHEN — AMOUNT OF LEAVE — NOTICE BY EMPLOYEE — CERTIFICATION REQUIREMENTS — CONFIDENTIALITY — WRITTEN STATEMENT. — 1. An employee who is a victim of domestic or sexual violence or a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may take unpaid leave from work to address such violence by:

(1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

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(2) Obtaining services from a victim services organization for the employee or the employee's family or household member;

(3) Obtaining psychological or other counseling for the employee or the employee's family or household member;

(4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or

(5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

2. Subject to subsection 5 of this section, an employee working for an employer that employs at least fifty employees shall be entitled to a total of two workweeks of leave under subsection 1 of this section during any twelve-month period. An employee working for an employer that employs at least twenty but not more than forty-nine employees shall be entitled to a total of one workweek of leave under subsection 1 of this section during any twelve-month period. For purposes of this subsection "workweek" shall mean an individual employee's standard workweek. The total number of workweeks to which an employee is entitled shall not decrease during the relevant twelve-month period. Sections 285.625 to 285.670 shall not create a right for an employee to take unpaid leave that exceeds the amount of unpaid leave time allowed under the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

3. Leave described in subsection 2 of this section may be taken intermittently or on a reduced work schedule.

4. The employee shall provide the employer with at least forty-eight hours' advance notice of the employee's intention to take leave under subsection 1 of this section, unless providing such notice is not practicable. When an unscheduled absence occurs, the employer may not take any action against the employee if the employee, upon request of the employer and within a reasonable period after the absence, provides certification under subsection 5 of this section.

5. The employer may require the employee to provide certification to the employer that the employee or the employee's family or household member is a victim of domestic or sexual violence and that the leave is for one of the purposes enumerated in subsection 1 of this section. The employee shall provide such certification to the employer within a reasonable period after the employer requests certification.

6. An employee may satisfy the certification requirement of subsection 5 of this section by providing to the employer a sworn statement of the employee and the following:

(1) Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence;

(2) A police or court record; or

(3) Other corroborating evidence.

7. All information provided to the employer pursuant to subsection 6 of this section including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested or consented to in writing by the employee or otherwise required by applicable federal or state law.

8. Any employee who takes leave under this section shall be entitled, on return from such leave, to be restored by the employer to the position of employment held by the employee when

the leave commenced or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

9. The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. Nothing in this section shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave or any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave. Nothing in this section shall be construed to prohibit an employer from requiring an employee on leave under this section to report periodically to the employer on the status and intention of the employee to return to work.

10. Upon the request of an employer, an employee requesting a reasonable safety accommodation pursuant to sections 285.625 to 285.670, shall provide the employer a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the reasonable safety accommodation is for a purpose authorized under sections 285.625 to 285.670.

285.635. GROUP HEALTH COVERAGE DURING LEAVE — RECOVERY OF PREMIUMS, WHEN — CERTIFICATION FOR INABILITY TO RETURN TO WORK — CONFIDENTIALITY. — 1. During any period that an employee takes leave under section 285.630, the employer shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

2. The employer may recover from the employee the premium that the employer paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this section if the employee fails to return from leave after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of domestic violence, sexual violence, abuse, a sexual assault, or human trafficking that entitled the employee to leave under section 285.630, or other circumstances beyond the control of the employee.

3. An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subsection 2 of this section to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason by providing the employer with:

(1) A sworn statement of the employee;

(2) Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of such violence;

(3) A police or court record; or

(4) Other corroborating evidence.

4. All information provided to the employer pursuant to subsection 3 of this section including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subsection 2 of this section shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested or consented to in writing by the employee, or otherwise required by applicable federal or state law.

285.650. SAFETY ACCOMMODATIONS — INAPPLICABILITY, WHEN. — 1. Employers and public agencies shall make reasonable safety accommodations, in a timely manner, to the known

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limitations resulting from circumstances relating to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence of an otherwise qualified individual:

(1) Who is:

(a) An employee of the employer; or

(b) An applicant for or recipient of public assistance from a public agency; and

(2) Who is:

(a) A victim of domestic or sexual violence; or

(b) With a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the individual in this subdivision as it relates to the domestic violence, sexual violence, or abuse;

2. Subsection 1 of this section shall not apply if the employer or public agency can demonstrate that the accommodation would impose an undue hardship on the operation of the employer or public agency.

285.665. NOTICE TO EMPLOYEES SUMMARIZING REQUIREMENTS FOR LEAVE DUE TO DOMESTIC OR SEXUAL VIOLENCE.— Every employer subject to sections 285.625 to 285.670 shall deliver a notice, to be prepared or approved by the director, summarizing the requirements of sections 285.625 to 285.670. Such notice may be in electronic form and shall be delivered to each person employed by the employer no later than October 27, 2021, and for each person hired after October 27, 2021, such notice shall be delivered upon the commencement of employment. The director shall furnish copies of summaries and rules to employers upon request without charge.

285.670. FEDERAL, STATE, OR LOCAL LAW, EFFECT ON.— 1. Nothing in sections 285.625 to 285.670 shall be construed to supersede any provision of any federal, state, or local law, collective bargaining agreement, or employment benefits program or plan that provides:

(1) Greater leave benefits for victims of domestic or sexual violence than the rights established under sections 285.625 to 285.670; or

(2) Leave benefits for a larger population of victims of domestic or sexual violence, as defined in such law, agreement, program, or plan, than the victims of domestic or sexual violence covered under sections 285.625 to 285.670.

2. The rights and remedies established for applicants and employees who are victims of domestic or sexual violence and applicants and employees with a family or household member who is a victim of domestic or sexual violence under sections 285.625 to 285.670 shall not be diminished by any federal, state, or local law, collective bargaining agreement, or employment benefits program or plan.

376.1228. HEARING AIDS COVERAGE FOR CHILDREN REQUIRED — AMOUNT OF COVERAGE — EXCLUSIONS — ADDITIONAL STATE COSTS SUBJECT TO APPROPRIATIONS.— 1. For purposes of this section, the terms "health carrier" and "health benefit plan" shall have the same meanings given to the terms under section 376.1350, and the term "hearing aid" shall have the same meaning given to the term under section 345.015.

2. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2022, shall, at a minimum, provide coverage to children under eighteen years of age for all hearing aids covered for children who receive MO HealthNet benefits under section 208.151.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical

policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of commerce and insurance.

4. Any additional costs to the state created under the provisions of this section shall be subject to appropriation. If any agency of the federal government determines that this section violates 42 U.S.C. Section 18116 relating to nondiscrimination, the provisions of this section shall be null and void.

376.1551. FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY REQUIREMENTS — INAPPLICABLE, WHEN — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms mean:

- (1) "Health benefit plan", the same meaning given to the term in section 376.1350;
- (2) "Health carrier", the same meaning given to the term in section 376.1350;
- (3) "Mental health condition", the same meaning given to the term in section 376.1550.

2. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2022, and that provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. Section 300gg-26, as amended, and the regulations promulgated thereunder. The director may enforce such requirements subject to the provisions of this section.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of twelve months' or less duration, a health benefit plan in the small group market that was issued before January 1, 2014, or a health benefit plan in the individual market that was purchased before January 1, 2014, or any other supplemental policy as determined by the director of the department of commerce and insurance.

4. The director may promulgate rules to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

376.2034. RESTRICTION ON STEP THERAPY PROTOCOL, PATIENT TO HAVE ACCESS TO OVERRIDE EXCEPTION DETERMINATION — PROCEDURE. — 1. If coverage of a prescription drug for the treatment of any medical condition is restricted for use by a health carrier, health benefit plan, or utilization review organization via a step therapy protocol, a patient, through his or her health care provider, shall have access to a clear, convenient, and readily accessible process to request a step therapy override exception determination. A health carrier, health benefit plan, or utilization review organization may use its existing medical exceptions process to satisfy this requirement. The process shall be disclosed to the patient and health care provider, which shall include the necessary documentation needed to process such request and be made available on the health carrier plan or health benefit plan website.

2. A step therapy override exception determination shall be granted if the patient has tried the step therapy required prescription drugs while under his or her current or previous health insurance or health benefit plan, and such prescription drugs were discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event, **or if the patient's treating health care provider attests that**

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coverage of the prescribed prescription drug is necessary to save the life of the patient. Pharmacy drug samples shall not be considered trial and failure of a preferred prescription drug in lieu of trying the step therapy required prescription drug.

3. The health carrier, health benefit plan, or utilization review organization may request relevant documentation from the patient or provider to support the override exception request.

4. Upon the granting of a step therapy override exception request, the health carrier, health benefit plan, or utilization review organization shall authorize dispensation of and coverage for the prescription drug prescribed by the patient's treating health care provider, provided such drug is a covered drug under such policy or contract.

5. This section shall not be construed to prevent:

(1) A health carrier, health benefit plan, or utilization review organization from requiring a patient to try a generic equivalent or other brand name drug prior to providing coverage for the requested prescription drug; or

(2) A health care provider from prescribing a prescription drug he or she determines is medically appropriate.

452.410. CUSTODY, DECREE, MODIFICATION OF, WHEN. — 1. Except as provided in subsection 2 of this section, the court shall not modify a prior custody decree unless it has jurisdiction under the provisions of section ~~[452.450]~~ **452.745** and it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to serve the best interests of the child. Notwithstanding any other provision of this section or sections 452.375 and 452.400 **to the contrary**, any custody order entered by any court in this state or any other state ~~[prior to August 13, 1984,]~~ may, subject to jurisdictional requirements, be modified to allow for joint custody **or visitation only** in accordance with section 452.375, ~~[without any further showing]~~ **452.400, 452.402, or 452.403.**

2. If either parent files a motion to modify an award of joint legal custody or joint physical custody, each party shall be entitled to a change of judge as provided by supreme court rule.

566.150. CERTAIN OFFENDERS NOT TO BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A PUBLIC PARK, SWIMMING POOL, ATHLETIC COMPLEX, MUSEUM, OR NATURE CENTER — VIOLATION, PENALTY — EXCEPTION FOR NATURE OR EDUCATION CENTER, WHEN. — 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment, a public swimming pool, ~~[or]~~ **athletic complex or athletic fields if such facilities exist for the primary use of recreation for children**, any museum if such museum holds itself out to the public as and exists with the primary purpose of entertaining or educating children under eighteen years of age, **or Missouri department of conservation nature or education center properties.**

2. The first violation of the provisions of this section is a class E felony.

3. A second or subsequent violation of this section is a class D felony.

4. Any person who has been found guilty of an offense under subdivision (1) or (2) of subsection 1 of this section who is the parent, legal guardian, or custodian of a child under the age of eighteen attending a program on the property of a nature or education center of the Missouri department of conservation may receive permission from the nature or education center manager to be present on the property with the child during the program.

633.200. COMMISSION ESTABLISHED, MEETINGS — AUTISM ROADMAP FOR MISSOURI, CONTENT — MEMBERS — PHASES OF WORK — REPORT — COMPLETION DATES FOR PHASES.

— 1. ~~[For purposes of this section, the term "autism spectrum disorder" shall be defined as in standard diagnostic criteria for pervasive developmental disorder, to include autistic disorder, Asperger's syndrome, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rett's syndrome.~~

~~2. There is hereby created the "Missouri Commission on Autism Spectrum Disorders" to be housed within the department of mental health. The department of mental health shall provide technical and administrative support as required by the commission. The commission shall meet on at least four occasions annually, including at least two occasions before the end of December of the first year the commission is fully established. The commission may hold meetings by telephone or video conference. The commission shall advise and make recommendations to the governor, general assembly, and relevant state agencies regarding matters concerning all state levels of autism spectrum disorder services, including health care, education, and other adult and adolescent services.~~

~~3. The commission shall be composed of twenty-four members, consisting of the following:~~

~~(1) Four members of the general assembly, with two members from the senate and two members from the house of representatives. The president pro tem of the senate shall appoint one member from the senate and the minority leader of the senate shall appoint one member from the senate. The speaker of the house shall appoint one member from the house of representatives and the minority leader of the house shall appoint one member from the house of representatives;~~

~~(2) The director of the department of mental health, or his or her designee;~~

~~(3) The commissioner of the department of elementary and secondary education, or his or her designee;~~

~~(4) The director of the department of health and senior services, or his or her designee;~~

~~(5) The director of the department of public safety, or his or her designee;~~

~~(6) The commissioner of the department of higher education and workforce development, or his or her designee;~~

~~(7) The director of the department of social services, or his or her designee;~~

~~(8) The director of the department of commerce and insurance, or his or her designee;~~

~~(9) Two representatives from different institutions of higher learning located in Missouri;~~

~~(10) An individual employed as a director of special education at a school district located in Missouri;~~

~~(11) A speech and language pathologist;~~

~~(12) A diagnostician;~~

~~(13) A mental health provider;~~

~~(14) A primary care physician;~~

~~(15) Two parents of individuals with autism spectrum disorder, including one parent of an individual under the age of eighteen and one parent of an individual over the age of eighteen;~~

~~(16) Two individuals with autism spectrum disorder;~~

~~(17) A representative from an independent private provider or nonprofit provider or organization;~~

~~(18) A member of a county developmental disability board.~~

~~The members of the commission, other than the members from the general assembly and ex officio members, shall be appointed by the director of the department of mental health. A chair of the commission shall be selected by the members of the commission. Of the members first appointed to the commission by the governor, half shall serve a term of four years and half shall serve a term of two years, and thereafter, members shall serve a term of four years and may be reappointed. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the commission shall be filled in the same manner as the original appointment. Members shall serve on the commission without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of mental health.~~

~~4. The members of the commission shall consist of a broad representation of Missouri citizens, both urban and rural, who are concerned with the health and quality of life for individuals with autism spectrum disorder.~~

~~5. The commission shall make recommendations for developing a comprehensive statewide plan for an integrated system of training, treatment, and services for individuals of all ages with autism spectrum disorder. By July 1, 2009, the commission shall issue preliminary findings and recommendations to the general assembly.~~

~~6. In preparing the state plan, the commission shall specifically perform the following responsibilities and report on them accordingly, in conjunction with state agencies and the office of autism services:~~

~~(1) Study and report on the means for developing a comprehensive, coordinated system of care delivery across the state to address the increased and increasing presence of autism spectrum disorder and ensure that resources are created, well utilized, and appropriately spread across the state:~~

~~(a) Determine the need for the creation of additional centers for diagnostic excellence in designated sectors of the state, which could provide clinical services, including assessment, diagnoses, and treatment of patients;~~

~~(b) Plan for effectively evaluating regional service areas throughout the state and their capacity, including outlining personnel and skills that exist within the service area, other capabilities that exist, and resource needs that may be unmet;~~

~~(c) Assess the need for additional behavioral intervention capabilities and, as necessary, the means for expanding those capabilities in a regional service area;~~

~~(d) Develop recommendations for expanding these services in conjunction with hospitals after considering the resources that exist in terms of specialty clinics and hospitals, and hospital inpatient care capabilities;~~

~~(2) Conduct an assessment of the need for coordinated, enhanced and targeted special education capabilities within each region of the state;~~

~~(3) Develop a recommendation for enlisting appropriate universities and colleges to ensure support and collaboration in developing certification or degree programs for students specializing in autism spectrum disorder intervention. This may include degree programs in education, special education, social work, and psychology; and~~

~~(4) Other responsibilities may include but not be limited to:~~

~~(a) Provide recommendations regarding training programs and the content of training programs being developed;~~

~~(b) Recommend individuals to participate in a committee of major stakeholders charged with developing screening, diagnostic, assessment, and treatment standards for Missouri;~~

~~(c) Participate in recommending a panel of qualified professionals and experts to review existing models of evidence-based educational practices for adaptation specific to Missouri;~~

~~(d) Examine the barriers to accurate information of the prevalence of individuals with autism spectrum disorder across the state and recommend a process for accurate reporting of demographic data;~~

~~(e) Explore the need for the creation of interagency councils and evaluation of current councils to ensure a comprehensive, coordinated system of care for all individuals with autism spectrum disorder;~~

~~(f) Study or explore other developmental delay disorders and genetic conditions known to be associated with autism, including fragile X syndrome; Sotos syndrome; Angelman syndrome; and tuberous sclerosis.] For purposes of this section, the term "autism spectrum disorder" shall have the same meaning as the term is defined in the current Diagnostic and Statistical Manual of Mental Disorders.~~

2. There is hereby created the "Missouri Commission on Autism Spectrum Disorders" to be housed within the department of mental health. The department of mental health shall provide technical and administrative support as required by the commission. The commission shall meet on at least four occasions annually, including at least two occasions before the end of December of the first year the commission is fully established. The commission may hold meetings by telephone or video conference.

3. The Missouri commission on autism spectrum disorders shall have the mission of producing an "Autism Roadmap for Missouri" encompassing the lifespan of a person living with an autism spectrum disorder. The autism roadmap shall discuss best practices for care and services within health care, education, vocational support, and community resources and highlight opportunities for improvement. The autism roadmap shall include:

- (1) A targeted review of existing autism resources, initiatives, and funding;
- (2) The identification of unmet needs or gaps; and
- (3) Tangible recommendations for system improvements, including specific policy, programmatic, legislative, and funding recommendations.

4. The commission shall be composed of twenty-five members, consisting of the following:

- (1) The director of the office of autism services within the department of mental health;
- (2) The directors from three of the designated Missouri autism centers receiving state funding, or their designees;
- (3) Two independent providers of autism diagnosis and related services in Missouri;
- (4) Three representatives from separate not-for-profit applied behavioral analysis and related allied health service providers in Missouri;
- (5) Two representatives from the rural health care community whose practices or health care systems include care of individuals with autism;
- (6) Two representatives from organizations providing vocational rehabilitation, educational, or adult service opportunities for individuals with autism spectrum disorders;
- (7) Two special education professionals or administrators representing primary and secondary education in Missouri;
- (8) The director of the department of mental health, or his or her designee;
- (9) The commissioner of education, or his or her designee;
- (10) The commissioner of higher education, or his or her designee;
- (11) The director of the department of health and senior services, or his or her designee;
- (12) The director of the department of social service, or his or her designee;
- (13) The director of the department of commerce and insurance, or his or her designee;
- (14) Two parents of individuals on the autism spectrum, one of whom shall be a parent of a child who is on the autism spectrum and who is preschool- or school-aged and the other shall be a parent of an adult who is on the autism spectrum; and
- (15) Two adults with autism spectrum disorders.

With the exception of department directors, the members of the commission shall be appointed by the director of the department of mental health. A chair of the commission shall be selected by the members of the commission. Members shall serve a term of four years, except that the

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directors of the designated Missouri autism centers shall only serve two year terms, but may be reappointed and shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the commission shall be filled in the same manner as the original appointment. Members shall serve on the commission without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of mental health.

5. The commission shall conduct its work in four phases, with such phases including:

(1) Transitioning to adulthood for those living with autism spectrum disorders, which shall include:

(a) Organizing and reviewing existing systems, resources, and programs available to those living with autism spectrum disorders who are approaching adulthood;

(b) Identifying unmet needs or gaps and prioritizing such needs for those living with an autism spectrum disorder who are approaching adulthood; and

(c) Reviewing best practices and developing strategic goals to meet the needs of those living with an autism spectrum disorder who are approaching adulthood;

(2) Early identification and intervention for those living with autism spectrum disorders, which shall include:

(a) Organizing and reviewing existing systems, resources, and programs available to quickly identify and intervene in the lives of those living with an autism spectrum disorder;

(b) Identifying unmet needs or gaps and prioritizing such needs to quickly identify and intervene in the lives of those living with an autism spectrum disorder; and

(c) Reviewing best practices and developing strategic goals to quickly identify and intervene in the lives of those living with an autism spectrum disorder;

(3) Access to care for those living with autism spectrum disorders, which shall include:

(a) Organizing and reviewing existing systems, resources, and programs available that provide access to care for those living with an autism spectrum disorder;

(b) Identifying unmet needs or gaps and prioritizing such needs in providing access to care for those living with an autism spectrum disorder; and

(c) Reviewing best practices and developing strategic goals for providing access to care for those living with an autism spectrum disorder; and

(4) Challenging behavior and crisis care for those living with autism spectrum disorders, which shall include:

(a) Organizing and reviewing existing systems, resources, and programs available for challenging behavior and crisis care for those living with an autism spectrum disorder;

(b) Identifying unmet needs or gaps and prioritizing such needs for challenging behavior and crisis care for those living with an autism spectrum disorder; and

(c) Reviewing best practices and developing strategic goals for challenging behavior and crisis care for those living with an autism spectrum disorder.

6. The commission shall submit a report to the director of the department of mental health and the governor upon the completion of each phase. In addition, a final document summarizing all completed tasks and remaining recommendations shall be submitted to the director of the department of mental health and the governor upon the completion of all phases.

7. The first phase of work done by the commission shall commence on January 1, 2022, with each new phase commencing on January first of each of the following three years. The work in each phase shall be complete by December thirty-first of the year in which the phase began. Each report shall be submitted to the director of the department of mental health and the governor no later than April first following the completion of the phase.

SECTION B. — EMERGENCY CLAUSE FOR A CERTAIN SECTION. — Because of the need to preserve safe and adequate access to educational opportunities for Missouri children the repeal and

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reenactment of section 210.201 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 210.201 of this act shall be in full force and effect upon its passage and approval.

Approved July 14, 2021

HB 476

Enacts provisions relating to professional registration, with a delayed effective date for certain sections.

AN ACT to repeal sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 338.010, 338.710, 339.100, and 339.150, RSMo, and to enact in lieu thereof thirty-seven new sections relating to professional registration, with a delayed effective date for certain sections.

SECTION

- A Enacting clause.
- 281.015 Director of agriculture to administer.
- 281.020 Definitions.
- 281.025 Director may issue regulations — notice, how given — list of restricted use pesticides, adoption of — public hearings, when — rulemaking procedure.
- 281.030 Classification of licenses, how made — rulemaking powers — fees.
- 281.035 Certified commercial applicator's license required when, annual fee — application for license, how made — examinations — records to be kept — incapacity of sole certified applicator, effect of.
- 281.037 Certified noncommercial applicator's license, when required — application for certified noncommercial applicator's license, examination, fee — scope of license — records to be kept.
- 281.038 Determination of need for use of pesticide, who may make — pesticide technician's license, application, requirements, fee.
- 281.040 Private applicator's license, qualifications for, duration, renewal — emergency use of restricted pesticides, when authorized.
- 281.045 Certified operator license, when required — application, requirements, examination — maintenance of records — liability of governmental agencies.
- 281.048 Noncertified RUP applicator license — application, issuance and renewal, fee — authority of licensee, limitation by director, when — notification by licensee of changes — retraining — display of license.
- 281.050 Pesticide dealer's license required, fee, qualifications — grounds for suspension or revocation — restricted use of pesticides, sale or transfer, to whom, exception — records to be kept — change of address, notice of.
- 281.055 Late renewal of license, penalty, reexamination, when — director to provide guideline book, fee for book.
- 281.060 Revocation, suspension or modification of license, when — civil penalty, when, amount, enforcement of.
- 281.063 Director may subpoena witnesses and documents, when.
- 281.065 Bond or insurance required — deductible clause accepted, when — new surety, when — liability, effect of chapter on.

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- 281.070 Damage claims to be filed with director, when due — duties of director — failure to file, effect of — investigation or hearing, powers of director.
- 281.075 Reciprocal licensing authorized, when — agent to be designated by nonresidents.
- 281.085 Pesticide containers, regulation of, handling of.
- 281.101 Unlawful acts.
- 324.009 Licensure reciprocity — definitions — requirements — inapplicability, when.
- 324.012 Fresh start act of 2020 — definitions — prior convictions not disqualifying or considered, when — denial of license, procedure — applicability.
- 324.087 Occupational Therapy Licensure Compact.
- 324.200 Dietitian practice act — definitions.
- 324.206 Permitted acts by persons not holding themselves out as dietitians — requirements before performing acts or services.
- 327.011 Definitions.
- 327.091 Practice of architecture defined.
- 327.101 Unauthorized practice prohibited — licensure required — exceptions, when.
- 327.131 Applicant for license as architect, qualifications.
- 327.191 Unauthorized practice prohibited — licensure required — exceptions, when.
- 327.241 Examination for licensure, requirements.
- 327.612 Applicants for licensure as professional landscape architect — qualifications.
- 337.068 Complaints of prisoners — disposition of certain records.
- 338.010 Practice of pharmacy defined — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — ShowMeVax system, notice.
- 338.710 Program created, goal — authority of board — evaluation report — expiration date.
- 338.730 HIV postexposure prophylaxis, dispensing of, requirements — definitions — rulemaking authority.
- 339.100 Investigation of certain practices, procedure — subpoenas — formal complaints — revocation or suspension of licenses — digest may be published — revocation of licenses for certain offenses.
- 339.150 Unlicensed persons not to be employed, when — no fees paid, when, exception — compensation directly to business entity owned by licensee, when — definitions.
- B Effective date for certain sections.

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

SECTION A. ENACTING CLAUSE. — Sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 324.009, 324.012, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 338.010, 338.710, 339.100, and 339.150, RSMo, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 324.009, 324.012, 324.087, 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, 338.010, 338.710, 338.730, 339.100, and 339.150, to read as follows:

281.015. DIRECTOR OF AGRICULTURE TO ADMINISTER. — Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri~~], hereafter referred to as the "director"~~].

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

281.020. DEFINITIONS. — As used in sections 281.010 to 281.115, the following terms mean:

(1) "Animal", all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(2) "Applicator, operator or technician":

(a) **"Certified applicator", includes certified commercial applicator, certified noncommercial applicator, certified private applicator, certified provisional private applicator, or certified public operator;**

(b) "Certified commercial applicator", any individual, whether or not ~~he~~ **the individual** is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, ~~or~~ determine the need for the use of, **or supervise the determination of need for** any pesticide, whether classified for restricted use or for general use, while ~~he~~ **the individual** is engaged in the business of using pesticides on the lands of another as a direct service to the public in exchange for a fee or compensation;

~~(b)~~ (c) "Certified noncommercial applicator", any individual, whether or not ~~he~~ **the individual** is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by ~~him or his~~ **the individual or the individual's** employer;

~~(c)~~ (d) "Certified private applicator", any individual who is certified by the director as authorized to use ~~, or to supervise the use of,~~ any pesticide ~~which~~ **that** is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by ~~him or his~~ **the individual or the individual's** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities ~~on the property of another person~~;

(e) **"Certified provisional private applicator", any individual who is sixteen or seventeen years of age, an immediate family member of a certified private applicator, and certified by the director to use any pesticide that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the individual's immediate family member, so long as the following requirements are met:**

- a. **The restricted use pesticide (RUP) is not a fumigant;**
- b. **The RUP does not contain sodium cyanide or sodium fluoroacetate;**
- c. **The individual will not apply any RUP using aerial application equipment;**
- d. **The individual will not supervise the use of any RUP; and**
- e. **The individual will not purchase any RUP;**

~~(d)~~ (f) "Certified public operator", any individual who is certified by the director as authorized to use, or to supervise the use of, any pesticide classified for restricted use in the performance of ~~his~~ **the individual's** duties as an official or employee of any agency of the state of Missouri or any political subdivision thereof, or any other governmental agency;

(g) **"Noncertified restricted use pesticide (RUP) applicator", any person who is not certified in accordance with sections 281.010 to 281.115 who uses or determines the need for the use of restricted use pesticides under the direct supervision of a certified commercial applicator or uses restricted use pesticides under the direct supervision of a certified noncommercial applicator or certified public operator;**

~~(e)~~ (h) "Private applicator", any person not holding a certified private applicator's license **or certified provisional private applicator's license** who ~~shall be required to obtain a permit for the use of any restricted use pesticide~~ **uses general use pesticides or minimum risk pesticides** for the purposes of producing any agricultural commodity on property owned or rented by ~~him or his~~ **the person or the person's** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities ~~such permit~~

shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of that pesticide];

~~[(f)]~~ (i) "Pesticide technician", any individual working under the direct supervision of a commercial applicator certified in categories as specified by regulation, and who having met the competency requirements of ~~[this chapter]~~ **sections 281.010 to 281.115**, is authorized by the director to determine the need for the use of any pesticide as well as to the use of any pesticide;

~~[(g)]~~ (j) "Pesticide technician trainee", any individual working in the physical presence and under the direct supervision of a certified commercial applicator to gain the required on-the-job training in preparation for obtaining a pesticide technician's license;

(3) "Beneficial insects", those insects ~~[which]~~ **that**, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

(4) "Defoliant", any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;

(5) **"Department" or "department of agriculture", the state department of agriculture, and when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the director of the department of agriculture is authorized to perform such duty;**

(6) "Desiccant", any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

~~[(6)]~~ (7) "Determining the need for the use of any pesticide", the act of inspecting land for the presence of pests for the purpose of contracting for their control or prevention through the use of pesticides in categories as specified by regulation;

~~[(7)]~~ (8) "Device", any instrument or contrivance, other than a firearm, ~~[which]~~ **that** is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;

(9) **"Director", the director of the department of agriculture or the director's designee;**

(10) **"Distribute", to sell, offer for sale, hold for sale, deliver for transportation in intrastate commerce, or transport in intrastate commerce;**

~~[(8)]~~ (11) "Environment", includes water, air, land, and all plants and man and other animals living therein, and the interrelationships ~~[which]~~ **that** exist among these;

~~[(9)]~~ (12) "Equipment" ~~[means]~~, any type of ground, water or aerial equipment or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;

~~[(10)]~~ (13) "Fungus", any nonchlorophyll-bearing thallophyte, ~~[that]~~ **which** is ~~[-];~~ any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, **such as** ~~[-; for example,]~~ rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;

(14) **"General use pesticide", any pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, that will not generally cause unreasonable adverse effects on the environment;**

(15) **"Immediate family", familial relationships limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles,**

nieces, nephews, and first cousins. "First cousin" means the child of a parent's sibling, i.e., the child of an aunt or uncle;

~~[(11)]~~ **(16)** "Individual", any responsible, natural human being;

~~[(12)]~~ **(17)** "Insect", any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, **such as**~~[, for example,]~~ beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, **such as**~~[, for example,]~~ spiders, mites, ticks, centipedes, and wood lice;

~~[(13)]~~ **(18)** "Land", all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;

(19) "Minimum risk pesticide", any pesticide product exempted under 40 CFR Section 152.25(f) from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

~~[(14)]~~ **(20)** "Misuse of a pesticide", a use of any ~~[registered]~~ pesticide in a manner inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes, and when requested in writing by the person on whose behalf a pesticide is used;

~~[(15)]~~ **(21)** "Nematode", invertebrate animals of the phylum Nematelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

(22) "Nontarget organism", any plant, animal, or organism other than the target pests that a pesticide is intended to affect;

~~[(16)]~~ **(23)** "Person", any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;

~~[(17)]~~ **(24)** "Pest":

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, ~~[which]~~ **that** is normally considered to be a pest;

~~[(18)]~~ **(25)** "Pesticide":

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

~~[(19)]~~ **(26)** "Pesticide dealer", any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;

(27) "Pesticide dealership", any location or outlet where restricted use pesticides are held for sale, distributed, or sold;

~~[(20)]~~ **(28)** "Plant regulator", any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The term "plant regulator" does not include any of those nutrient mixtures or soil amendments ~~[which]~~ **that** are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health and propagation of plants, and ~~[which]~~ **that** are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;

~~[(21)]~~ "Private applicator permit", a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator. Such permit shall authorize the one time emergency purchase of a restricted use pesticide for the purpose of a one time emergency use of such pesticide;

~~(22)]~~ **(29)** "Restricted use pesticide", any pesticide when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;

~~[(23)]~~ **(30)** "Sale", selling or offering for sale any pesticide;

~~[(24)]~~ **(31)** "Snails" or "slugs" includes all harmful mollusks;

~~[(25)]~~ **(32)** "Unreasonable adverse effects on the environment", any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

~~[(26)]~~ **(33)** "Under the direct supervision of a certified applicator", when a pesticide is used by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is used;

~~[(27)]~~ **(34)** "Use", mixing, **loading, or applying**, ~~storing or disposing of a~~ any pesticide; **cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment wash waters, and other pesticide-containing materials;**

~~[(28)]~~ **(35)** "Weed", any plant ~~which~~ **that** grows where not wanted; ~~and~~

~~(29)]~~ **(36)** "Wildlife", all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. DIRECTOR MAY ISSUE REGULATIONS — NOTICE, HOW GIVEN — LIST OF RESTRICTED USE PESTICIDES, ADOPTION OF — PUBLIC HEARINGS, WHEN — RULEMAKING PROCEDURE. — 1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors ~~which~~ **that** the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if ~~he~~ **the director** finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. ~~[The director may, by regulation, provide for the one time emergency purchase and one time emergency use of a restricted use pesticide by a private applicator.]~~

2. The pesticides on the list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri. The director shall publish, at least annually, a list of pesticides ~~which~~ **that** have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when used in accordance with its directions for use, warnings and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the

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environment, including injury to the applicator or other persons, the pesticide shall be used only by or under the direct supervision of a certified applicator~~], or a private applicator with a permit].~~ Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days' prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

281.030. CLASSIFICATION OF LICENSES, HOW MADE — RULEMAKING POWERS — FEES.

— 1. The director may, by regulation, classify ~~[certified applicator, operator or technician]~~ licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators, **provisional private applicators**, public operators ~~[or]~~, pesticide technicians, **or noncertified RUP applicators**. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements; provided, that no individual shall be required to pay an additional fee if ~~[he]~~ **the individual** is certified in one or all of the certification categories provided under the license for which ~~[he]~~ **the individual** has applied. The director may, by regulation, establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. The director may by regulation establish fees for identification documents.

281.035. CERTIFIED COMMERCIAL APPLICATOR'S LICENSE REQUIRED WHEN, ANNUAL FEE — APPLICATION FOR LICENSE, HOW MADE — EXAMINATIONS — RECORDS TO BE KEPT — INCAPACITY OF SOLE CERTIFIED APPLICATOR, EFFECT OF.

— 1. No individual shall engage in the business of determining the need for the use of, supervising the use of, **supervising the determination of the need for the use of**, or using any pesticide, in categories as specified by regulation, on the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not determine the need for the use of, supervise the use of, **supervise the determination of the need for the use of**, or use any pesticide for any particular purpose unless ~~[he or she]~~ **the certified commercial applicator** has demonstrated ~~[his or her]~~ **such certified commercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of sixty-five dollars for each certified commercial applicator's license issued. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need

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for the use of or using any **general use pesticide or minimum risk pesticide** on the land of another at any time unless such individual is a pesticide technician or pesticide technician trainee in such categories as specified by regulation or is working under the direct supervision of a certified commercial applicator so authorizing, directing or instructing, in which case the certified commercial applicator shall be liable for any use of a **general use pesticide or minimum risk pesticide** by an individual operating under ~~his or her~~ **the certified commercial applicator's** direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten ~~working~~ days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. **No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any restricted use pesticide on the land of another at any time unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified commercial applicator so authorizing, directing, or instructing, in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.**

3. Application for a certified commercial applicator's license shall be ~~made in writing~~ **submitted** to the director on a designated form obtained from the ~~director's office~~ **department**. Each application shall include such information as prescribed by the director by regulation.

~~3-~~ 4. The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director ~~his or her~~ **the applicant's** competence and knowledge of the proper use of pesticides under the classifications ~~he or she~~ **the applicant** had applied for, and ~~his or her~~ **the applicant's** knowledge of the standards prescribed by regulations for the certification of commercial applicators.

~~4-~~ 5. The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, ~~subject to~~ **upon successful completion of approved recertification training or** reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

~~5-~~ 6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which ~~he or she~~ **the applicant** is qualified, which shall expire one year from date of issuance unless ~~it~~ **the license** has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case ~~said~~ **the license** shall expire upon the expiration date of the financial responsibility. The director may limit the license of the applicant to the use of certain ~~restricted use~~ pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

~~6-~~ 7. The director shall require each certified commercial applicator or ~~his or her~~ **the certified commercial applicator's** employer to maintain records with respect to applications of any pesticide, **including pesticides used under direct supervision by licensed pesticide technicians, pesticide technician trainees, and licensed noncertified RUP applicators**. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or ~~his or her~~ **the certified commercial applicator's** employer.

~~7-~~ 8. A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of ~~his or her~~ **such person's or individual's** sole certified commercial applicator by

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reason of death, illness, incapacity or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of ~~[his or her]~~ **such person's or individual's** sole certified commercial applicator.

~~[8.]~~ **9.** Every certified commercial applicator shall display ~~[his or her]~~ **the certified commercial applicator's** license in a prominent place at the site, location or office from which ~~[he or she]~~ **the certified commercial applicator** will operate as a certified commercial applicator; that place, location or office being at the address printed on the license.

~~[9.]~~ **10.** Every certified commercial applicator who changes the address from which ~~[he or she]~~ **the certified commercial applicator** will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. CERTIFIED NONCOMMERCIAL APPLICATOR'S LICENSE, WHEN REQUIRED — APPLICATION FOR CERTIFIED NONCOMMERCIAL APPLICATOR'S LICENSE, EXAMINATION, FEE — SCOPE OF LICENSE — RECORDS TO BE KEPT. — 1. Any individual who is not certified pursuant to section 281.035, 281.040 or 281.045, ~~[or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040]~~ shall not use, or supervise the use of, any ~~[restricted use]~~ **restricted use** pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless ~~[he or she]~~ **the certified noncommercial applicator** has demonstrated ~~[his or her]~~ **the certified noncommercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. **No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.**

3. Application for a certified noncommercial applicator license shall be ~~[made in writing]~~ **submitted** to the director on a designated form obtained from the ~~[director's office]~~ **department**. Each application shall include such information as prescribed by the director by regulation.

~~[3.]~~ **4.** The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director ~~[his or her]~~ **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which ~~[he or she]~~ **the applicant** has applied, and ~~[his or her]~~ **the applicant's** knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

~~[4.]~~ **5.** If the director finds the applicant qualified to use restricted use pesticides in the classification for which ~~[he or she]~~ **the applicant** has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which ~~[he or she]~~ **the applicant** is certified. The license shall expire one year from the date of issuance unless ~~[it]~~ **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the

applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

~~[5-]~~ **6.** The director may renew any certified noncommercial applicator license under the classification for which the license is issued ~~[subject to]~~ **upon successful completion of approved recertification training or** reexamination for additional knowledge ~~[which]~~ **that** may be required to apply pesticides safely and properly.

~~[6-]~~ **7.** The director shall collect a fee of thirty-five dollars for each certified noncommercial applicator license issued.

~~[7-]~~ **8.** Any certified noncommercial applicator may use, or supervise the use of, restricted use pesticides only to or on lands or structures owned, leased or rented by ~~[himself or herself or his or her]~~ **the certified noncommercial applicator or the certified noncommercial applicator's** employer.

~~[8-]~~ **9.** The director shall require the certified noncommercial applicator or ~~[his or her]~~ **the certified noncommercial applicator's** employer to maintain records with respect to applications of restricted use pesticides. Any relevant information ~~[which]~~ **that** the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified noncommercial applicator or ~~[his or her]~~ **the certified noncommercial applicator's** employer.

~~[9-]~~ **10.** Every certified noncommercial applicator shall display ~~[his or her]~~ **the certified noncommercial applicator's** license in a prominent place at the site, location or office from which ~~[he or she]~~ **the certified noncommercial applicator** will operate as a certified noncommercial applicator; that place, location or office being at the address printed on the license.

~~[10-]~~ **11.** Every certified noncommercial applicator who changes the address from which ~~[he or she]~~ **the certified noncommercial applicator** will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.038. DETERMINATION OF NEED FOR USE OF PESTICIDE, WHO MAY MAKE — PESTICIDE TECHNICIAN'S LICENSE, APPLICATION, REQUIREMENTS, FEE. — 1. ~~[After July 1, 1990,]~~ No individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of **or use** any **general use** pesticide ~~[nor use any]~~ **or minimum risk** pesticide in categories as specified by regulation, unless and until the individual has met the requirements of ~~[this chapter]~~ **sections 281.010 to 281.115.**

2. Application for a pesticide technician's license shall be ~~[made in writing]~~ **submitted** to the director on a designated form obtained from the ~~[director's office]~~ **department.** Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated ~~[his or her]~~ **the applicant's** competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which ~~[he or she]~~ **the applicant** is qualified, which shall expire one year from date of issuance unless ~~[it]~~ **the license** has been revoked or suspended prior thereto by the director for cause.

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The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use pesticide:

(1) A certified commercial applicator must be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator must be certified in the same use categories as the pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

281.040. PRIVATE APPLICATOR'S LICENSE, QUALIFICATIONS FOR, DURATION, RENEWAL — EMERGENCY USE OF RESTRICTED PESTICIDES, WHEN AUTHORIZED. — 1. No private applicator shall use any restricted-use pesticide unless ~~he~~ **the private applicator** first complies with the requirements determined pursuant to subsection ~~2 or 5~~ **3** of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator.

3. The private applicator shall qualify for a certified private applicator's license or certified provisional private applicator's license by ~~either~~ attending ~~a course or completing an online course of instruction~~ **an approved certification training program provided by University of Missouri extension, completing an online certification training program provided by University of Missouri extension, or by passing the required private applicator certification examination provided by the director on the use, handling, storage and application of ~~restricted-use~~ restricted use pesticides in the proper certification categories as specified by regulation. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the ~~course~~ **certification training program, completion of the online certification training program, or passage of the required private applicator certification examination**, the director shall issue a certified private applicator's license **or certified provisional private applicator's license** to the applicant. The director shall not collect a fee for the issuance of such license ~~, but the~~. University of Missouri extension ~~service may~~ **shall collect ~~a fee for the actual cost of the materials necessary to complete the course of instruction~~ reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online.** ~~However, no fee~~ **Such fees shall be assessed ~~or collected from an individual completing an online course of instruction~~ based on the majority decision of a review committee convened every five years or as needed by the director. Such fees shall not exceed seventy-five dollars per program per applicant unless the members of the review committee representing statewide agricultural organizations vote unanimously in favor of setting the fee in an amount in excess of seventy-five dollars.** ~~Both the director of the department and of the University of Missouri extension service shall review such costs annually.~~ **Such committee shall be provided revenue and expense information for the training program from University of Missouri extension and information on the content of the instruction and method of delivery from the director. The review committee shall also determine a maximum in-seat training time for the training programs. The committee shall report its minutes, fee decisions, time limitation decisions, and its evaluation of the training provided to the****

chairs of the house of representatives and senate agriculture or equivalent committees. The committee shall be composed of five members including:

- (1) The director;
- (2) The director of University of Missouri extension or his or her designee;
- (3) The president of a statewide corn producers organization who actively grows corn or his or her designee;
- (4) The president of a statewide soybean producers organization who actively grows soybeans or his or her designee; and
- (5) The president of the state's largest general farm membership organization or his or her designee.

~~[3.]~~ **4.** A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years ~~[without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary]~~ **upon successful completion of approved recertification training or by passing the required private applicator certification examination.**

5. On the date of the certified provisional private applicator's eighteenth birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

~~[4.]~~ **6.** If the director does not qualify the private applicator under this section ~~[he]~~ **the director** shall inform the applicant in writing of the reasons therefor.

~~[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one time emergency basis, he shall be issued a permit for the one time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]~~

281.045. CERTIFIED OPERATOR LICENSE, WHEN REQUIRED — APPLICATION, REQUIREMENTS, EXAMINATION — MAINTENANCE OF RECORDS — LIABILITY OF GOVERNMENTAL AGENCIES. — 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless ~~[he]~~ **the certified public operator** has demonstrated ~~[his]~~ **the certified public operator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. ~~[Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.]~~

3. **No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified public operator so authorizing, directing, or instructing, in which case the certified public operator shall be liable for any use of a restricted use pesticide by an individual operating under the certified public operator's direct supervision.**

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4. Application for a certified public operator license shall be ~~made in writing~~ **submitted** to the director on a designated form obtained from the ~~director's office~~ **department**. Each application shall include all information prescribed by the director by regulation.

~~[4.]~~ **5.** The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director ~~his~~ **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which ~~he~~ **the applicant** has applied, and ~~his~~ **the applicant's** knowledge of the standards prescribed by regulations for the certification of public operators.

~~[5.]~~ **6.** If the director finds the applicant qualified to use pesticides in the classification for which ~~he~~ **the applicant** has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of ~~his~~ **the operator's** employment. A certified public operator license shall expire three years from the date of issuance unless ~~it~~ **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

~~[6.]~~ **7.** The director may renew any certified public operator license under the classification for which that applicant is licensed, ~~subject to~~ **upon successful completion of approved recertification training or** reexamination for additional knowledge which may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

~~[7.]~~ **8.** The director shall require the certified public operator, or ~~his~~ **the certified public operator's** employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or ~~his~~ **the certified public operator's** employer.

~~[8.]~~ **9.** Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any use of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

~~[9.]~~ **10.** Every certified public operator shall display ~~his~~ **the certified public operator's** license in a prominent place at the site, location or office from which ~~he~~ **the certified public operator** will operate as a certified public operator, that place, location or office being at the address printed on the license.

~~[10.]~~ **11.** Every certified public operator who changes the address from which ~~he~~ **the certified public operator** will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

12. Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

281.048. NONCERTIFIED RUP APPLICATOR LICENSE — APPLICATION, ISSUANCE AND RENEWAL, FEE — AUTHORITY OF LICENSEE, LIMITATION BY DIRECTOR, WHEN — NOTIFICATION BY LICENSEE OF CHANGES — RETRAINING — DISPLAY OF LICENSE.— 1. No individual shall use or determine the need for the use of any restricted use pesticide while working under the direct supervision of a certified commercial applicator until the individual has met the requirements of this section.

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

2. No individual shall use restricted use pesticides while working under the direct supervision of a certified noncommercial applicator or certified public operator until the individual has met the requirements of this section.

3. Application for a noncertified RUP applicator's license shall be submitted to the director on a designated form obtained from the department. Each application shall include such information as prescribed by the director by regulation.

4. The director shall issue or renew a noncertified RUP applicator license once an individual has met the requirements set forth in 40 CFR section 171.201(c)(1) or (3). The director shall collect an annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license shall be valid for one year unless revoked or suspended by the department prior to its expiration. Any individual whose application is denied shall receive a written explanation as to the determination of the denial.

5. Individuals holding a valid noncertified RUP applicator license may use and determine the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides under the direct supervision of a certified commercial applicator and only for the categories in which the commercial applicator is certified. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified.

6. Every certified commercial applicator, certified noncommercial applicator, or certified public operator providing direct supervision to a licensed noncertified RUP applicator shall immediately notify the director when the licensed noncertified RUP applicator has changed address from which the applicator or operator will operate as a licensed noncertified RUP applicator or when the noncertified RUP applicator's employment has been terminated. The director shall immediately issue a revised license upon which shall be printed the change of address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

7. A noncertified RUP applicator may complete retraining requirements and renew the applicator's license without a certified commercial applicator, certified noncommercial applicator, or certified public operator working from the same physical location.

8. Every licensed noncertified RUP applicator shall display the applicator's license in a prominent place at the site, location, or office from which the applicator will operate as a noncertified RUP applicator that place, location, or office being at the address printed on the license.

281.050. PESTICIDE DEALER'S LICENSE REQUIRED, FEE, QUALIFICATIONS — GROUNDS FOR SUSPENSION OR REVOCATION — RESTRICTED USE OF PESTICIDES, SALE OR TRANSFER, TO WHOM, EXCEPTION — RECORDS TO BE KEPT — CHANGE OF ADDRESS, NOTICE OF. — 1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless ~~he or she~~ **the individual** has obtained a license from the director ~~[which] that~~ shall expire one year from date of issuance. ~~[An individual shall be required to obtain a license for]~~ Each **pesticide dealership** location or outlet from which ~~[such]~~ **restricted use** pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user. ~~Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators]~~ **shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale restricted use pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the purposes of this subsection, "selling or holding and offering for sale" shall not include solely transporting product in commerce. No individual shall be issued more than one pesticide dealer license.**

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2. Application for a pesticide dealer's license shall be made on a designated form obtained from the ~~[director's office]~~ **department**. The director shall collect a fee of thirty-five dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of ~~[his or her]~~ **the applicator's** pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency ~~[which]~~ **that** provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to ~~[his or her]~~ **the applicant's** knowledge of the laws and regulations governing the use and sale of pesticides and ~~[his or her]~~ **the applicant's** responsibility in carrying on the business of a pesticide dealer **by passing a pesticide dealer examination provided by the director**. Each licensed pesticide dealer shall be responsible for ~~[insuring]~~ **ensuring** that all of ~~[his or her]~~ **the dealer's** employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by ~~[him or her]~~ **the dealer** in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer, agent or employee.

5. No pesticide dealer shall sell, give away or otherwise make available any restricted use pesticides to anyone but certified **commercial applicators, certified noncommercial applicators** ~~[or]~~ **certified public operators**, or to **certified private applicators** ~~[who have met the requirements of subsection 5 of section 281.040,]~~ **holding valid certifications in proper certification categories** or to other **licensed pesticide dealers**, except that pesticide dealers may allow the designated representative of such certified applicators ~~[operators or private applicators]~~ to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator ~~[operator or private applicator]~~.

6. The director shall require the pesticide dealer, or ~~[his or her]~~ **the dealer's** employer, to maintain books and records with respect to sales of restricted use pesticides **at each dealership location or outlet**. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or ~~[his or her]~~ **the dealer's** employer.

7. Every licensed pesticide dealer who changes ~~[his or her]~~ **the dealer's** address or place of business shall immediately notify the director.

281.055. LATE RENEWAL OF LICENSE, PENALTY, REEXAMINATION, WHEN — DIRECTOR TO PROVIDE GUIDELINE BOOK, FEE FOR BOOK. — 1. If the ~~[application for]~~ renewal of any license~~;~~ or certification ~~[or permit]~~ provided for in ~~[this chapter]~~ **sections 281.010 to 281.115** is not filed prior to **the** expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license~~;~~ or certification ~~[or permit]~~ shall be renewed~~;~~ ~~provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit].~~ Any person holding a current valid license~~;~~ or certification ~~[or permit]~~ may renew the license~~;~~ or certification ~~[or permit]~~ for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration ~~[then]~~, **the license shall be cancelled and** the licensee shall be required to satisfy all the requirements of licensure as if such person was never licensed.

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2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use[;] a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for ~~said~~ the publication.

281.060. REVOCATION, SUSPENSION OR MODIFICATION OF LICENSE, WHEN — CIVIL PENALTY, WHEN, AMOUNT, ENFORCEMENT OF. — 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license~~[-permit]~~ or certification issued under sections 281.010 to 281.115, if ~~he~~ **the director** finds that the applicant or the holder of a license~~[-permit]~~ or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in ~~another~~ **this state or in any state or protectorate of the United States, or has had a pesticide applicator license[;] or certificate [or permit] denied, suspended, revoked or modified by [another] any state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under [this chapter] sections 281.010 to 281.115, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed. Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.**

2. If the director determines, after inquiry and opportunity for a hearing, that any ~~individual~~ **person** is in violation of any provision of sections 281.010 to 281.115, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars for each violation, and in addition, may order that restitution be made to any person.

3. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

281.063. DIRECTOR MAY SUBPOENA WITNESSES AND DOCUMENTS, WHEN. — The director may subpoena witnesses and compel the production of books, documents and records anywhere in the state in any hearing affecting the authority or privilege granted by a license[;] or certificate ~~or permit~~ issued under the provisions of sections 281.010 to 281.115.

281.065. BOND OR INSURANCE REQUIRED — DEDUCTIBLE CLAUSE ACCEPTED, WHEN — NEW SURETY, WHEN — LIABILITY, EFFECT OF CHAPTER ON. — 1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of ~~the operations of~~ **pesticide use by** the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director ~~or his or~~

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~~her designee~~ at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten ~~working~~ days of receipt of the request.

2. The amount of the surety bond or liability insurance required by this section shall be not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction of the surety bond or liability insurance. If the surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or insurance coverage by the employer. The certified commercial applicator shall then immediately execute **and submit to the director** a surety bond or an insurance policy to cover the financial responsibility requirements of this section and the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder executes and maintains a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in ~~his or her~~ **the bond- or policyholder's** application of pesticides.

3. If the surety becomes unsatisfactory, **the commercial applicator license shall expire and become invalid and** the bond- or policyholder shall immediately execute **and submit to the director** a new bond or insurance policy and maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and if ~~he or she~~ **the bond- or policyholder** fails to do so, the director shall cancel ~~his or her~~ **the bond- or policyholder's** license, or deny the license of an applicant, and give ~~him or her~~ **the bond- or policyholder** notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

281.070. DAMAGE CLAIMS TO BE FILED WITH DIRECTOR, WHEN DUE — DUTIES OF DIRECTOR — FAILURE TO FILE, EFFECT OF — INVESTIGATION OR HEARING, POWERS OF DIRECTOR. — 1. The director may investigate the use of any pesticide or claims of damages ~~which~~ **that** result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that ~~he~~ **the person** has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused

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the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and ~~[he]~~ **the director** shall make ~~[his]~~ **the director's** inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee and ~~[his]~~ **the licensee's** representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of sections 281.010 to 281.115. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the director may, when in the public interest, refuse to hold a hearing for the denial, suspension or revocation of a license ~~[or permit]~~ issued under sections 281.010 to 281.115 until such report is filed.

4. The director may in the conduct of any investigation or hearing authorized or held by ~~[him]~~ **the director**:

- (1) Examine, or cause to be examined, under oath, any person;
- (2) Examine, or cause to be examined, books and records of the sale or use of any pesticide directly related to the investigation;
- (3) Hear such testimony and take such evidence as will assist ~~[him]~~ **the director** in the discharge of ~~[his]~~ **the director's** duties under ~~[this chapter]~~ **sections 281.010 to 281.115**;
- (4) Administer or cause to be administered ~~[oath]~~ **oaths**; and
- (5) Issue subpoenas to require the attendance of witnesses and the production of books and records directly related to the investigation.

281.075. RECIPROCAL LICENSING AUTHORIZED, WHEN — AGENT TO BE DESIGNATED BY NONRESIDENTS. — ~~[H-]~~ The director may issue a ~~[license or]~~ **pesticide applicator** certification on a reciprocal basis with other states without examination to a nonresident who is licensed ~~[or]~~ **as a certified** ~~[in another state substantially]~~ **applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be issued in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility ~~[must]~~ **shall be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.****

~~[2- Any nonresident applying for any license under section 281.035, 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.]~~

281.085. PESTICIDE CONTAINERS, REGULATION OF, HANDLING OF. — No person shall discard, transport, or store any pesticide or pesticide containers in such a manner **that is inconsistent with label directions or** as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects or to pollute any waterway. The director may promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide containers. In determining these rules and regulations the director shall take into consideration any regulations issued by the Federal Environmental Protection Agency.

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281.101. UNLAWFUL ACTS. — 1. It shall be unlawful for any ~~individual~~ **person** to violate any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

(1) It shall be unlawful to recommend for use, ~~to~~ **cause to use**, use, or ~~to~~ supervise the use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of FIFRA, **the** Missouri pesticide use act, or **the** Missouri pesticide registration act;

(2) It shall be unlawful for any ~~individual~~ **person** to misuse any pesticide;

(3) **It shall be unlawful for any person to use or supervise the use of pesticides that are cancelled or suspended;**

(4) **It shall be unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides;**

(5) It shall be unlawful to make any false or misleading statements during the course of an investigation into the sale, distribution, use or misuse of any pesticide;

~~(4)~~ (6) It shall be unlawful to make any false or misleading statement on any application, form or document submitted to the director concerning licensing pursuant to sections 281.010 to 281.115 or any regulations issued thereunder;

~~(5)~~ (7) It shall be unlawful to make any false, misleading or fraudulent statement or claim, through any media, ~~which~~ **that** misrepresents the effects of any pesticide, the methods to be utilized in the application of any pesticide, or the qualifications of the person determining the need for the use of any pesticide or using any pesticide;

~~(6)~~ (8) It shall be unlawful to make any false or misleading statement specifying~~;~~ or inferring that a person or ~~his~~ **the person's** methods are recommended by any branch of government or that any pesticide work done will be inspected by any branch of government;

~~(7)~~ (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire with any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder;

(10) **It shall be unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person to steal or attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.**

3. Other acts ~~which~~ **that** are not specified, but ~~which~~ **that** violate sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.

324.009. LICENSURE RECIPROCITY — DEFINITIONS — REQUIREMENTS — INAPPLICABILITY, WHEN. — 1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, ~~or~~ accreditation, **or military occupational speciality** that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", **the Armed Forces of the United States including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;**

(3) "Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will

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be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

~~[(3)]~~ (4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

~~[(4)]~~ (5) "Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Any person who holds a valid current license issued by another state, **a branch or unit of the military**, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an application for a license in Missouri in the same occupation or profession, and at the same practice level, for which he or she holds the current license, along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction, to the relevant oversight body in this state.

3. The oversight body in this state shall:

(1) Within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state. An oversight body that administers an examination on laws of this state as part of its licensing application requirement may require an applicant to take and pass an examination specific to the laws of this state; or

(2) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.

4. (1) The oversight body shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in subdivision (2) of this subsection, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

(2) If another jurisdiction has taken disciplinary action against an applicant, the oversight body shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the oversight body may deny a license until the matter is resolved.

5. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

6. Any person who is licensed under the provisions of this section shall be subject to the applicable oversight body's jurisdiction and all rules and regulations pertaining to the practice of the licensed occupation or profession in this state.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not impede an oversight body's authority to require an applicant to submit fingerprints as part of the application process.

10. The provisions of this section shall not apply to an oversight body that has entered into a licensing compact with another state for the regulation of practice under the oversight body's jurisdiction. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018.

11. Notwithstanding any other provision of law, a license issued under this section shall be valid only in this state and shall not make a licensee eligible to be part of an interstate compact. An applicant who is licensed in another state pursuant to an interstate compact shall not be eligible for licensure by an oversight body under the provisions of this section.

12. The provisions of this section shall not apply to any occupation set forth in subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945.

324.012. FRESH START ACT OF 2020 — DEFINITIONS — PRIOR CONVICTIONS NOT DISQUALIFYING OR CONSIDERED, WHEN — DENIAL OF LICENSE, PROCEDURE — APPLICABILITY. — 1. This section shall be known and may be cited as the "Fresh Start Act of 2020".

2. As used in this section, the following terms mean:

(1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea of nolo contendere;

(2) "Licensing", any required training, education, or fee to work in a specific occupation, profession, or activity in the state;

(3) "Licensing authority", an agency, examining board, credentialing board, or other office of the state with the authority to impose occupational fees or licensing requirements on any profession. **For purposes of the provisions of this section other than subsection 7 of this section**, the term "licensing authority" shall not include the state board of education's licensure of teachers pursuant to chapter 168, the Missouri state board of accountant's licensure of accountants pursuant to chapter 326, the board of podiatric medicine's licensure of podiatrists pursuant to chapter 330, the Missouri dental board's licensure of dentists pursuant to chapter 332, the state board of registration for the healing art's licensure of physicians and surgeons pursuant to chapter 334, the Missouri state board of nursing's licensure of nurses pursuant to chapter 335, the board of pharmacy's licensure of pharmacists pursuant to chapter 338, the Missouri real estate commission's licensure of real estate brokers, real estate salespersons, or real estate broker-salespersons pursuant to sections 339.010 to 339.205, the Missouri veterinary medical board's licensure of veterinarian's pursuant to chapter 340, the Missouri director of finance appointed pursuant to chapter 361, or the peace officer standards and training commission's licensure of peace officers or other law enforcement personnel pursuant to chapter 590;

(4) "Political subdivision", a city, town, village, municipality, or county.

3. Notwithstanding any other provision of law, beginning January 1, 2021, no person shall be disqualified by a state licensing authority from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime in this state or another state, unless the criminal conviction directly relates to the duties and responsibilities for the licensed occupation as set forth in this section or is violent or sexual in nature.

4. Beginning August 28, 2020, applicants for examination of licensure who have pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this state, any other state, United States, or any other country, notwithstanding whether sentence is imposed, shall be considered by state licensing authorities

to have committed a criminal offense that directly relates to the duties and responsibilities of a licensed profession:

(1) Any murder in the first degree, or dangerous felony as defined under section 556.061 excluding an intoxication-related traffic offense or intoxication-related boating offense if the person is found to be a habitual offender or habitual boating offender as such terms are defined in section 577.001;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material;

(5) The offense of delivery of a controlled substance, as provided in section 579.020, may be a disqualifying criminal offense for the following occupations: real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344; and

(6) Any offense an essential element of which is fraud may be a disqualifying criminal offense for the following occupations: private investigators, licensed pursuant to sections 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects, licensed pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections 327.181 to 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371; landscape architects, licensed pursuant to sections 327.600 to 327.635; chiropractors, licensed pursuant to chapter 331; embalmers and funeral directors, licensed pursuant to chapter 333; real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344.

5. If an individual is charged with any of the crimes set forth in subsection 4 of this section, and is convicted, pleads guilty to, or is found guilty of a lesser-included offense and is sentenced to a period of incarceration, such conviction shall only be considered by state licensing authorities as a criminal offense that directly relates to the duties and responsibilities of a licensed profession for four years, beginning on the date such individual is released from incarceration.

6. (1) ~~Licensing authorities shall only list criminal convictions that are directly related to the duties and responsibilities for the licensed occupation.~~

(2) The licensing authority shall determine whether an applicant with a criminal conviction ~~listed under subdivision (1) of this subsection~~ will be denied a license based on the following factors:

(a) The nature and seriousness of the crime for which the individual was convicted;

(b) The passage of time since the commission of the crime, including consideration of the factors listed under subdivision ~~(3)~~ (2) of this subsection;

(c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; and

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(d) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.

~~[(3)]~~ (2) If an individual has a valid criminal conviction for a criminal offense that could disqualify the individual from receiving a license, the disqualification shall not apply to an individual who has been exonerated for a crime for which he or she has previously been convicted of or incarcerated.

7. An individual with a criminal record may petition a licensing authority at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include details on the individual's criminal record. The licensing authority shall inform the individual of his or her standing within thirty days after the licensing authority has met, but in no event more than four months after receiving the petition from the applicant. The decision shall be binding, unless the individual has subsequent criminal convictions or failed to disclose information in his or her petition. **If the decision is that the individual is disqualified, the individual shall be notified in writing of the grounds and reasons for disqualification.** The licensing authority may charge a fee by rule to recoup its costs as set by rulemaking authority not to exceed twenty-five dollars for each petition.

8. (1) If a licensing authority denies an individual a license solely or in part because of the individual's prior conviction of a crime, the licensing authority shall notify the individual in writing of the following:

- (a) The grounds and reasons for the denial or disqualification;
- (b) That the individual has the right to a hearing as provided by chapter 621 to challenge the licensing authority's decision;
- (c) The earliest date the person may reapply for a license; and
- (d) That evidence of rehabilitation may be considered upon reapplication.

(2) Any written determination by the licensing authority that an applicant's criminal conviction is a specifically listed disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation shall be documented with written findings for each of the grounds or reasons under paragraph (a) of subdivision (1) of this subsection by clear and convincing evidence sufficient for a reviewing court.

(3) In any administrative hearing or civil litigation authorized under this subsection, the licensing authority shall carry the burden of proof on the question of whether the applicant's criminal conviction directly relates to the occupation for which the license is sought.

9. The provisions of this section shall apply to any profession for which an occupational license is issued in this state, including any new occupational license created by a state licensing authority after August 28, 2020. Notwithstanding any other provision of law, political subdivisions shall be prohibited from creating any new occupational licenses after August 28, 2020. The provisions of this section shall not apply to business licenses, where the terms "occupational licenses" and "business licenses" are used interchangeably in a city or county charter definition.

324.087. OCCUPATIONAL THERAPY LICENSURE COMPACT. — SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of Occupational Therapy with the goal of improving public access to Occupational Therapy services. The Practice of Occupational Therapy occurs in the State where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure. This Compact is designed to achieve the following objectives:

A. Increase public access to Occupational Therapy services by providing for the mutual recognition of other Member State licenses;

B. Enhance the States' ability to protect the public's health and safety;

C. Encourage the cooperation of Member States in regulating multi-State Occupational Therapy Practice;

D. Support spouses of relocating military members;

E. Enhance the exchange of licensure, investigative, and disciplinary information between Member States;

F. Allow a Remote State to hold a provider of services with a Compact Privilege in that State accountable to that State's practice standards; and

G. Facilitate the use of Telehealth technology in order to increase access to Occupational Therapy services.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and Section 1211.

B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against an Occupational Therapist or Occupational Therapy Assistant, including actions against an individual's license or Compact Privilege such as censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.

C. "Alternative Program" means a non-disciplinary monitoring process approved by an Occupational Therapy Licensing Board.

D. "Compact Privilege" means the authorization, which is equivalent to a license, granted by a Remote State to allow a Licensee from another Member State to practice as an Occupational Therapist or practice as an Occupational Therapy Assistant in the Remote State under its laws and rules. The Practice of Occupational Therapy occurs in the Member State where the patient/client is located at the time of the patient/client encounter.

E. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

F. "Current Significant Investigative Information" means Investigative Information that a Licensing Board, after an inquiry or investigation that includes notification and an opportunity for the Occupational Therapist or Occupational Therapy Assistant to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

G. "Data System" means a repository of information about Licensees, including but not limited to license status, Investigative Information, Compact Privileges, and Adverse Actions.

H. "Encumbered License" means a license in which an Adverse Action restricts the Practice of Occupational Therapy by the Licensee or said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

J. "Home State" means the Member State that is the Licensee's Primary State of Residence.

K. "Impaired Practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

L. "Investigative Information" means information, records, and/or documents received or generated by an Occupational Therapy Licensing Board pursuant to an investigation.

M. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and rules governing the Practice of Occupational Therapy in a State.

N. "Licensee" means an individual who currently holds an authorization from the State to practice as an Occupational Therapist or as an Occupational Therapy Assistant.

O. "Member State" means a State that has enacted the Compact.

P. "Occupational Therapist" means an individual who is licensed by a State to practice 63 Occupational Therapy.

Q. "Occupational Therapy Assistant" means an individual who is licensed by a State to assist in the Practice of Occupational Therapy.

R. "Occupational Therapy," "Occupational Therapy Practice," and the "Practice of Occupational Therapy" mean the care and services provided by an Occupational Therapist or an Occupational Therapy Assistant as set forth in the Member State's statutes and regulations.

S. "Occupational Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

T. "Occupational Therapy Licensing Board" or "Licensing Board" means the agency of a State that is authorized to license and regulate Occupational Therapists and Occupational Therapy Assistants.

U. "Primary State of Residence" means the state (also known as the Home State) in which an Occupational Therapist or Occupational Therapy Assistant who is not Active Duty Military declares a primary residence for legal purposes as verified by: driver's license, federal income tax return, lease, deed, mortgage or voter registration or other verifying documentation as further defined by Commission Rules.

V. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Compact Privilege.

W. "Rule" means a regulation promulgated by the Commission that has the force of law.

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the Practice of Occupational Therapy.

Y. "Single-State License" means an Occupational Therapist or Occupational Therapy Assistant license issued by a Member State that authorizes practice only within the issuing State and does not include a Compact Privilege in any other Member State.

Z. "Telehealth" means the application of telecommunication technology to deliver Occupational Therapy services for assessment, intervention and/or consultation.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the Compact, a Member State shall:

1. License Occupational Therapists and Occupational Therapy Assistants;
2. Participate fully in the Commission's Data System, including but not limited to using the Commission's unique identifier as defined in Rules of the Commission;
3. Have a mechanism in place for receiving and investigating complaints about Licensees;
4. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;
5. Implement or utilize procedures for considering the criminal history records of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

a. A Member State shall, within a time frame established by the Commission, require a criminal background check for a Licensee seeking/applying for a Compact Privilege whose Primary State of Residence is that Member State, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions.

b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any

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information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.

6. Comply with the Rules of the Commission;

7. Utilize only a recognized national examination as a requirement for licensure pursuant to the Rules of the Commission; and

8. Have Continuing Competence/Education requirements as a condition for license renewal.

B. A Member State shall grant the Compact Privilege to a Licensee holding a valid unencumbered license in another Member State in accordance with the terms of the Compact and Rules.

C. Member States may charge a fee for granting a Compact Privilege.

D. A Member State shall provide for the State's delegate to attend all Occupational Therapy Compact Commission meetings.

E. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to these individuals shall not be recognized as granting the Compact Privilege in any other Member State.

F. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identification number;

3. Have no encumbrance on any State license;

4. Be eligible for a Compact Privilege in any Member State in accordance with Section 4D, F, G, and H;

5. Have paid all fines and completed all requirements resulting from any Adverse Action against any license or Compact Privilege, and two years have elapsed from the date of such completion;

6. Notify the Commission that the Licensee is seeking the Compact Privilege within a Remote State(s);

7. Pay any applicable fees, including any State fee, for the Compact Privilege;

8. Complete a criminal background check in accordance with Section 3A(5);

a. The Licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check.

9. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and

10. Report to the Commission Adverse Action taken by any non-Member State within 30 days from the date the Adverse Action is taken.

B. The Compact Privilege is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4A to maintain the Compact Privilege in the Remote State.

C. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

D. Occupational Therapy Assistants practicing in a Remote State shall be supervised by an Occupational Therapist licensed or holding a Compact Privilege in that Remote State.

E. A Licensee providing Occupational Therapy in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws,

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remove a Licensee's Compact Privilege in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Compact Privilege in any State until the specific time for removal has passed and all fines are paid.

F. If a Home State license is encumbered, the Licensee shall lose the Compact Privilege in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and
2. Two years have elapsed from the date on which the Home State license is no longer encumbered in accordance with Section 4(F)(1).

G. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4A to obtain a Compact Privilege in any Remote State.

H. If a Licensee's Compact Privilege in any Remote State is removed, the individual may lose the Compact Privilege in any other Remote State until the following occur:

1. The specific period of time for which the Compact Privilege was removed has ended;
2. All fines have been paid and all conditions have been met;
3. Two years have elapsed from the date of completing requirements for 4(H)(1) and (2); and
4. The Compact Privileges are reinstated by the Commission, and the compact Data System is updated to reflect reinstatement.

I. If a Licensee's Compact Privilege in any Remote State is removed due to an erroneous charge, privileges shall be restored through the compact Data System.

J. Once the requirements of Section 4H have been met, the license must meet the requirements in Section 4A to obtain a Compact Privilege in a Remote State.

SECTION 5. OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

A. An Occupational Therapist or Occupational Therapy Assistant may hold a Home State license, which allows for Compact Privileges in Member States, in only one Member State at a time.

B. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving between two Member States:

1. The Occupational Therapist or Occupational Therapy Assistant shall file an application for obtaining a new Home State license by virtue of a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of compact privilege, the new Home State shall verify that the Occupational Therapist or Occupational Therapy Assistant meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

- a. an FBI fingerprint based criminal background check if not previously performed or updated pursuant to applicable Rules adopted by the Commission in accordance with Public Law 92-544;
- b. other criminal background check as required by the new Home State; and
- c. submission of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Compact Privilege once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Occupational Therapist or Occupational Therapy Assistant cannot meet the criteria in Section 4, the new Home State shall apply its requirements for issuing a new Single-State License.

5. The Occupational Therapist or the Occupational Therapy Assistant shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single-State License in the new State.

D. Nothing in this compact shall interfere with a Licensee's ability to hold a Single-State License in multiple States; however, for the purposes of this compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A. Active Duty Military personnel, or their spouses, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State or through the process described in Section 5.

SECTION 7. ADVERSE ACTIONS

A. A Home State shall have exclusive power to impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license issued by the Home State.

B. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege within that Member State.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the State in which the witnesses or evidence are located.

C. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

D. The Home State shall complete any pending investigations of an Occupational Therapist or Occupational Therapy Assistant who changes Primary State of Residence during the course of the investigations. The Home State, where the investigations were initiated, shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the OT Compact Commission Data System. The Occupational Therapy Compact Commission Data System administrator shall promptly notify the new Home State of any Adverse Actions.

E. A Member State, if otherwise permitted by State law, may recover from the affected Occupational Therapist or Occupational Therapy Assistant the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Occupational Therapist or Occupational Therapy Assistant.

F. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

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G. Joint Investigations

1. In addition to the authority granted to a Member State by its respective State Occupational Therapy laws and regulations or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

H. If an Adverse Action is taken by the Home State against an Occupational Therapist's or Occupational Therapy Assistant's license, the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege in all other Member States shall be deactivated until all encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license shall include a Statement that the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege is deactivated in all Member States during the pendency of the order.

I. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

J. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION.

A. The Compact Member States hereby create and establish a joint public agency known as the Occupational Therapy Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board, who is an Occupational Therapist, Occupational Therapy Assistant, or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State board shall fill any vacancy occurring in the Commission within 90 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

7. The Commission shall establish by Rule a term of office for delegates.

C. The Commission shall have the following powers and duties:

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1. Establish a Code of Ethics for the Commission;
 2. Establish the fiscal year of the Commission;
 3. Establish bylaws;
 4. Maintain its financial records in accordance with the bylaws;
 5. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;
 6. Promulgate uniform Rules to facilitate and coordinate implementation and administration of this Compact. The Rules shall have the force and effect of law and shall be binding in all Member States;
 7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Occupational Therapy Licensing Board to sue or be sued under applicable law shall not be affected;
 8. Purchase and maintain insurance and bonds;
 9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;
 10. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
 11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;
 12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;
 13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
 14. Establish a budget and make expenditures;
 15. Borrow money;
 16. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
 17. Provide and receive information from, and cooperate with, law enforcement agencies;
 18. Establish and elect an Executive Committee; and
 19. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Occupational Therapy licensure and practice.
- D. The Executive Committee**
- The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.
1. The Executive Committee shall be composed of nine members:
 - a. Seven voting members who are elected by the Commission from the current membership of the Commission;
 - b. One ex-officio, nonvoting member from a recognized national Occupational Therapy professional association; and
 - c. One ex-officio, nonvoting member from a recognized national Occupational Therapy certification organization.
 2. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following Duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Compact Privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Perform other duties as provided in Rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 10.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or Member State statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. A Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable (utilizing a unique identifier) as required by the Rules of the Commission, including:

1. Identifying information;

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

2. Licensure data;
 3. Adverse Actions against a license or Compact Privilege;
 4. Non-confidential information related to Alternative Program participation;
 5. Any denial of application for licensure, and the reason(s) for such denial;
 6. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission; and
 7. Current Significant Investigative Information.
- C. Current Significant Investigative Information and other Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.
- D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.
- E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.
- F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 10. RULEMAKING

- A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.
- B. The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.
- C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.
- D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.
- E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
1. On the website of the Commission or other publicly accessible platform; and
 2. On the website of each Member State Occupational Therapy Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.
- F. The Notice of Proposed Rulemaking shall include:
1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;
 2. The text of the proposed Rule or amendment and the reason for the proposed Rule;
 3. A request for comments on the proposed Rule from any interested person; and
 4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
- G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.
- H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

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

1. At least twenty five (25) persons;
2. A State or federal governmental subdivision or agency; or
3. An association or organization having at least twenty five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or
4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

4. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

6. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Occupational Therapy Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Occupational Therapy licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 13. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws promulgated by the Commission, are binding upon the Member States.

E. All agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

324.200. DIETITIAN PRACTICE ACT — DEFINITIONS. — 1. Sections 324.200 to 324.225 shall be known and may be cited as the "Dietitian Practice Act".

2. As used in sections 324.200 to 324.225, the following terms shall mean:

(1) "Accreditation Council for Education in Nutrition and Dietetics" or "ACEND", the Academy of Nutrition and Dietetics accrediting agency for education programs preparing students for professions as registered dietitians;

(2) "Committee", the state committee of dietitians established in section 324.203;

(3) "Dietetics practice", the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services. The primary function of dietetic practice is the provision of nutrition care services that shall include, but not be limited to:

(a) Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(b) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints;

(c) Providing nutrition counseling or education in health and disease;

(d) Developing, implementing, and managing nutrition care systems;

(e) Evaluating, making changes in, and maintaining appropriate standards of quality and safety in food and in nutrition services;

(f) Engaged in medical nutritional therapy as defined in subdivision (8) of this section;

(4) "Dietitian", one engaged in dietetic practice as defined in subdivision (3) of this section;

(5) "Director", the director of the division of professional registration;

(6) "Division", the division of professional registration;

(7) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition therapy;

(8) "Medical nutrition therapy", ~~nutritional diagnostic, therapy, and counseling services which are furnished by a registered dietitian or registered dietitian nutritionist~~ **the provision of nutrition care services for the treatment or management of a disease or medical condition;**

(9) "Registered dietitian" or "registered dietitian nutritionist", a person who:

(a) Has completed a minimum of a baccalaureate degree granted by a United States regionally accredited college or university or foreign equivalent;

(b) Completed the academic requirements of a didactic program in dietetics, as approved by ACEND;

(c) Successfully completed the registration examination for dietitians; and

(d) Accrued seventy-five hours of approved continuing professional units every five years; as determined by the Committee on Dietetic Registration.

324.206. PERMITTED ACTS BY PERSONS NOT HOLDING THEMSELVES OUT AS DIETITIANS — REQUIREMENTS BEFORE PERFORMING ACTS OR SERVICES. — 1. As long as the person involved does not represent or hold himself or herself out as a dietitian as defined by subdivision (4) of subsection 2 of section 324.200, nothing in sections 324.200 to 324.225 is intended to limit, preclude, or otherwise interfere with:

(1) Self-care by a person or gratuitous care by a friend or family member;

(2) Persons in the military services or working in federal facilities from performing any activities described in sections 324.200 to 324.225 during the course of their assigned duties in the military service or a federal facility;

(3) A licensed health care provider performing any activities described in sections 324.200 to 324.225 that are within the scope of practice of the licensee;

(4) A person pursuing an approved educational program leading to a degree or certificate in dietetics at an accredited or approved educational program as long as such person does not provide dietetic services outside the educational program. Such person shall be designated by a title that clearly indicates the person's status as a student;

(5) Individuals who do not hold themselves out as dietitians marketing or distributing food products including dietary supplements as defined by the Food and Drug Administration or engaging in the explanation and education of customers regarding the use of such products;

(6) Any person furnishing general nutrition information as to the use of food, food materials, or dietary supplements, nor prevent in any way the free dissemination of literature;

(7) A person credentialed in the field of nutrition from providing advice, counseling, or evaluations in matters of food, diet, or nutrition to the extent such acts are within the scope of practice listed by the credentialing body and do not constitute medical nutrition therapy;

provided, however, no such individual may call himself or herself a dietitian unless he or she is licensed under this chapter.

2. A credentialed person not representing or holding himself or herself out as a dietitian, who performs any of the acts or services listed in subsection 1 of this section, shall provide, prior to performing such act or service for another, the following:

(1) The person's name and title;

(2) The person's business address and telephone number;

(3) A statement that the person is not a dietitian licensed by the state of Missouri;

(4) A statement that the information provided or advice given may be considered alternative care by licensed practitioners in the state of Missouri; and

(5) The person's qualifications for providing such information or advice, including educational background, training, and experience.

327.011. DEFINITIONS. — As used in this chapter, the following words and terms shall have the meanings indicated:

(1) "Accredited degree program from a school of architecture", a degree from any school or other institution which teaches architecture and whose curricula for the degree in question have been, at the time in question, certified as accredited by the National Architectural Accrediting Board;

(2) "Accredited school of engineering", any school or other institution which teaches engineering and whose curricula on the subjects in question are or have been, at the time in question certified as accredited by the engineering accreditation commission of the accreditation board for engineering and technology or its successor organization;

(3) "Accredited school of landscape architecture", any school or other institution which teaches landscape architecture and whose curricula on the subjects in question are or have been at the times in question certified as accredited by the Landscape Architecture Accreditation Board of the American Society of Landscape Architects;

(4) "Architect", any person authorized pursuant to the provisions of this chapter to practice architecture in Missouri, as the practice of architecture is defined in section 327.091;

(5) "Board", the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects;

(6) "Corporation", any general business corporation, professional corporation or limited liability company;

(7) "Design coordination", the review and coordination of technical submissions prepared by others including, as appropriate and without limitation, architects, professional engineers, professional land surveyors, professional landscape architects, and other consultants;

(8) "Design survey", a survey which includes all activities required to gather information to support the sound conception, planning, design, construction, maintenance, and operation of design projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system;

(9) "Incidental practice", the performance of other professional services licensed under chapter 327 that are related to a licensee's professional service, but are secondary and substantially less in scope and magnitude when compared to the professional services usually and normally performed by the licensee practicing in their licensed profession. This incidental professional service shall be safely and competently performed by the licensee without jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by education, training, and experience as determined by the board and in sections 327.091, 327.181, 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

(10) "Licensee", a person licensed to practice any profession regulated under this chapter or a corporation authorized to practice any such profession;

(11) "Partnership", any partnership or limited liability partnership;

(12) "Person", any ~~person~~ **individual**, corporation, firm, partnership, association or other entity **authorized to do business**;

(13) "Professional engineer", any person authorized pursuant to the provisions of this chapter to practice as a professional engineer in Missouri, as the practice of engineering is defined in section 327.181;

(14) "Professional land surveyor", any person authorized pursuant to the provisions of this chapter to practice as a professional land surveyor in Missouri as the practice of land surveying is defined in section 327.272;

(15) "Professional landscape architect", any person authorized pursuant to the provisions of this chapter to practice as a professional landscape architect in Missouri as the practice of landscape architecture is defined in section 327.600;

(16) "Responsible charge", the independent direct control of a licensee's work and personal supervision of such work pertaining to the practice of architecture, engineering, land surveying, or landscape architecture.

327.091. PRACTICE OF ARCHITECTURE DEFINED. — 1. ~~[Any person practices as an architect in Missouri who renders or offers to render or represents himself or herself as willing or able to render service or creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings, specifications and related documents, and the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building structure, building project or integral part or parts of buildings or of any additions or alterations thereto; or who uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect]~~ **The practice of architecture is the rendering of or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, site improvements, in whole or part and including any additions or alterations thereto, as well as to the spaces within and the site surrounding such buildings and**

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

structures, which have as their principal purpose human occupancy or habitation. The services referred to include consultation, design surveys, feasibility studies, evaluation, planning, aesthetic and structural design, preliminary design, drawings, specifications, technical submissions, and other instruments of service, the administration of construction contracts, construction observation and inspection, and the coordination of any elements of technical submissions prepared by others, including professional engineers, landscape architects, and other consultants that pertain to the practice of architecture. A person shall be considered to be practicing architecture when such person uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" to indicate or imply that such person is or holds himself or herself out to be an architect. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

2. Architects shall be in responsible charge of all architectural design of buildings and structures that can affect the health, safety, and welfare of the public within their scope of practice.

327.101. UNAUTHORIZED PRACTICE PROHIBITED — LICENSURE REQUIRED — EXCEPTIONS, WHEN. — 1. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license or a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified~~[- provided, however, that nothing in this chapter shall apply to the following persons].~~

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of architecture in section 327.091, provided that such persons shall not use the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect:

(1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;

(3) Any holder of a currently valid license or certificate of authority as a professional engineer who performs only such architecture as incidental practice and necessary to the completion of professional services lawfully being performed by such licensed professional engineer;

(4) Any person who is a professional landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a professional landscape architect or planner;

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), **or (c)**~~[-(d), and (e)]~~ which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:

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

- (a) A dwelling house; or
- (b) A multiple family dwelling house, flat or apartment containing not more than two families; or
- (c) ~~[A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or~~
- ~~(d) Any one structure containing less than two thousand square feet, except as provided in (b) and~~
- ~~(e) above, and which is not a part or a portion of a project which contains more than one structure; or~~
- ~~(e) A building or structure used exclusively for farm purposes]~~ **Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;**
- (6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned multiple family dwelling house, flat or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect;
- (7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business; **or**
- (8) Any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes.**

327.131. APPLICANT FOR LICENSE AS ARCHITECT, QUALIFICATIONS. — Any person may apply to the board for licensure as an architect who is over the age of twenty-one, has acquired an accredited degree from an accredited degree program from a school of architecture, holds a certified Intern Development Program (IDP) or **Architectural Experience Program (AXP)** record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination.

327.191. UNAUTHORIZED PRACTICE PROHIBITED — LICENSURE REQUIRED — EXCEPTIONS, WHEN. — **1.** No person shall practice as a professional engineer in Missouri, as defined in section 327.181 unless and until there is issued to such person a professional license or a certificate of authority certifying that such person has been duly licensed as a professional engineer or authorized to practice engineering in Missouri, and unless such license or certificate has been renewed as provided in section 327.261]; ~~provided that section 327.181 shall not be construed to prevent the practice of engineering by the following persons].~~

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of professional engineering in section 327.181, provided that such persons shall not use the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or use any word or words, letters, figures, degrees, titles, or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering:

- (1) Any person who is an employee of a person holding a currently valid license as a professional engineer or who is an employee of a person holding a currently valid certificate of authority pursuant to this chapter, and who performs professional engineering work under the direction and continuing supervision of and is checked by one holding a currently valid license as a professional engineer pursuant to this chapter;

(2) Any person who is a regular full-time employee of a person or any former employee under contract to a person, who performs professional engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service, and does not affect the health, safety, and welfare of the public;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by such person relates to the manufacture, sale or installation of the products of such person, and does not affect the health, safety, and welfare of the public;

(4) Any holder of a currently valid license or certificate of authority as an architect, professional land surveyor, or professional landscape architect who performs only such engineering as incidental practice and necessary to the completion of professional services lawfully being performed by such architect, professional land surveyor, or professional landscape architect;

(5) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any privately owned building described as follows, and who indicates on any drawings, specifications, estimates, reports, or other documents furnished in connection with such services that the person is not a licensed professional engineer:

(a) A dwelling house;

(b) A multiple family dwelling house, flat, or apartment containing no more than two families; or

(c) Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;

(6) Any person who renders engineering services in connection with the remodeling or repairing of any privately owned, multiple family dwelling house, flat, or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building, and who indicates on any drawings, specifications, estimates, reports, or other documents furnished in connection with such services that the person is not a licensed professional engineer;

(7) Any person or corporation who is offering, but not performing or rendering, professional engineering services if the person or corporation is licensed to practice professional engineering in the state or country of residence or principal place of business;

(8) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agricultural purposes.

327.241. EXAMINATION FOR LICENSURE, REQUIREMENTS.— 1. After it has been determined that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified.

2. The examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

3. Any applicant to be eligible for a license must make a grade on each examination of at least seventy percent.

4. The engineering examination shall consist of two parts; the first part may be taken by any person after such person has satisfied the educational requirements of section 327.221, or who is in his or her final year of study in an accredited school of engineering; and upon passing part one of the examination and providing proof that such person has satisfied the educational requirements of section 327.221 and

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Matter in bold-face type is proposed language.

upon payment of the required fee, such person shall be an engineer-intern, subject to the other provisions of this chapter.

5. Any engineer-intern, as defined in subsection 4 of this section~~], who has acquired at least four years of satisfactory engineering experience,~~ may take part two of the engineering examination and upon passing it **and having acquired at least four years of satisfactory engineering experience** shall be entitled to receive a license, subject, however, to the other provisions of this chapter.

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide by rule that any person who has graduated from and holds an engineering degree from an accredited school of engineering may thereupon be eligible to take both parts of the engineering examination and that upon passing said examination and acquiring four years of satisfactory engineering experience, after graduating and receiving a degree as aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

7. Any person who has graduated from and has received a degree in engineering from an accredited school of engineering may ~~[then acquire four years of satisfactory engineering experience and thereafter]~~ take both parts of the examination and upon passing **and having acquired four years of satisfactory engineering experience** shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

~~[8. Any person entitled to be licensed as a professional engineer as provided in subsection 5, 6, or 7 of this section must be so licensed within four years after the date on which he or she was so entitled, and if one is not licensed within the time he or she is so entitled, the engineering division of the board may require him to take and satisfactorily pass such further examination as provided by rule before issuing to him a license.]~~

327.612. APPLICANTS FOR LICENSURE AS PROFESSIONAL LANDSCAPE ARCHITECT — QUALIFICATIONS. — Any person who ~~[has attained the age of twenty one years, and]~~ has a degree in landscape architecture from an accredited school of landscape architecture ~~[and]~~, **or possesses an education which in the opinion of the board equals or exceeds the education received by a graduate of an accredited school**, has acquired at least three years satisfactory landscape architectural experience after acquiring such a degree, **and who has taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards** may apply to the board for licensure as a professional landscape architect.

337.068. COMPLAINTS OF PRISONERS — DISPOSITION OF CERTAIN RECORDS. — 1. If the ~~[board]~~ **committee** finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections or who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or who has been ordered to be evaluated under chapter 552**, and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 337.035 have been violated. Any case file documentation that does not result in the ~~[board]~~ **committee** filing an action pursuant to subsection 2 of section 337.035 shall be destroyed within three months after the final case disposition by the ~~[board]~~ **committee**. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

2. Upon written request of the psychologist subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections or prior to August 28, 2008, by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or prior to August 28, 2021, by an individual who has been ordered to be evaluated under chapter 552**, that did not result in the ~~[board]~~ **committee** filing an action

pursuant to subsection 2 of section 337.035, the **[board]** committee and the division of professional registration, shall in a timely fashion:

- (1) Destroy all documentation regarding the complaint;
- (2) Notify any other licensing board in another state or any national registry regarding the **[board's]** committee's actions if they have been previously notified of the complaint; and
- (3) Send a letter to the licensee that clearly states that the **[board]** committee found the complaint to be unsubstantiated, that the **[board]** committee has taken the requested action, and notify the licensee of the provisions of subsection 3 of this section.

3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their psychology professions.

338.010. PRACTICE OF PHARMACY DEFINED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — SHOWMEVAX SYSTEM, NOTICE. — 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; **the dispensing of HIV postexposure prophylaxis pursuant to section 338.730**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's [primary] health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

338.710. PROGRAM CREATED, GOAL — AUTHORITY OF BOARD — EVALUATION REPORT — EXPIRATION DATE. — 1. There is hereby created in the Missouri board of pharmacy the "RX Cares for Missouri Program". The goal of the program shall be to promote medication safety and to prevent prescription drug abuse, misuse, and diversion in Missouri.

2. The board, in consultation with the department, shall be authorized to expend, allocate, or award funds appropriated to the board to private or public entities to develop or provide programs or education to promote medication safety or to suppress or prevent prescription drug abuse, misuse, and diversion in the state of Missouri. In no case shall the authorization include, nor the funds be expended for, any state prescription drug monitoring program including, but not limited to, such as are defined in 38 CFR 1.515. Funds disbursed to a state agency under this section may enhance, but shall not supplant, funds otherwise appropriated to such state agency.

3. The board shall be the administrative agency responsible for implementing the program in consultation with the department. The board and the department may enter into interagency agreements between themselves to allow the department to assist in the management or operation of the program. The board may award funds directly to the department to implement, manage, develop, or provide programs or education pursuant to the program.

4. After a full year of program operation, the board shall prepare and submit an evaluation report to the governor and the general assembly describing the operation of the program and the funds allocated. Unless otherwise authorized by the general assembly, the program shall expire on August 28, [2019] 2026.

338.730. HIV POSTEXPOSURE PROPHYLAXIS, DISPENSING OF, REQUIREMENTS — DEFINITIONS — RULEMAKING AUTHORITY. — 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV postexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only if the pharmacist follows a written protocol authorized by a licensed physician.

2. For purposes of this section, "postexposure prophylaxis" shall mean any drug approved by the Food and Drug Administration that meets the same clinical eligibility recommendations provided in CDC guidelines.

3. For purposes of this section, "CDC guidelines" shall mean the current HIV guidelines published by the federal Centers for Disease Control and Prevention.

4. The state board of registration for the healing arts and the state board of pharmacy shall jointly promulgate rules and regulations for the administration of this section. Neither board shall separately promulgate rules governing a pharmacist's authority to dispense HIV postexposure prophylaxis under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

339.100. INVESTIGATION OF CERTAIN PRACTICES, PROCEDURE — SUBPOENAS — FORMAL COMPLAINTS — REVOCATION OR SUSPENSION OF LICENSES — DIGEST MAY BE PUBLISHED — REVOCATION OF LICENSES FOR CERTAIN OFFENSES. — 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement

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or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, or for any offense an essential element of which is fraud, dishonesty or an act of violence, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which:

(a) Is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(b) Includes a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a business entity licensed under this chapter with whom the licensee is associated. The context of the advertisement or solicitation may be considered by the commission when determining whether a licensee has committed a violation of this paragraph;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to

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a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

339.150. UNLICENSED PERSONS NOT TO BE EMPLOYED, WHEN — NO FEES PAID, WHEN, EXCEPTION — COMPENSATION DIRECTLY TO BUSINESS ENTITY OWNED BY LICENSEE, WHEN — DEFINITIONS. — 1. No real estate broker shall knowingly employ or engage any person to perform any service to the broker for which licensure as a real estate broker or a real estate salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, unless such a person is:

(1) A licensed real estate salesperson or a licensed real estate broker as required by section 339.020; or

(2) For a transaction involving commercial real estate as defined in section 339.710, a person regularly engaged in the real estate brokerage business outside the state of Missouri who has, in such forms as the commission may adopt by rule:

(a) Executed a brokerage agreement with the Missouri real estate broker;

(b) Consented to the jurisdiction of Missouri and the commission;

(c) Consented to disciplinary procedures under section 339.100; and

(d) Appointed the commission as his or her agent for service of process regarding any administrative or legal actions relating to the conduct in Missouri; or

(3) For any other transaction, a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

Any such action shall be unlawful as provided by section 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as provided by section 339.100.

2. No real estate licensee shall pay any part of a fee, commission or other compensation received by the licensee to any person for any service rendered by such person to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such a person is a licensed real estate salesperson regularly associated with such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate broker who shall refuse to pay any person for services rendered by such person to the broker, with the consent, knowledge and acquiescence of the broker that such person was not licensed as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate for which services a license is required, and who is employed or engaged by such broker to perform such services, shall be liable to such person for the reasonable value of the same or similar services rendered to the broker, regardless of whether or not the person possesses or holds any particular license, permit or certification at the time the service was performed. Any such person may bring a civil action for the reasonable value of his services rendered to a broker notwithstanding the provisions of section 339.160.

4. Notwithstanding provisions of this chapter to the contrary, a broker may pay compensation directly to a business entity owned by a licensee that has been formed for the purpose of receiving compensation earned by such licensee. A business entity that receives

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Matter in bold-face type is proposed language.

compensation from a broker as provided for in this subsection shall not be required to be licensed under this chapter and shall be owned:

- (1) Solely by the licensee;
- (2) By the licensee together with the licensee's spouse, but only if the spouse and licensee are both licensed and associated with the same broker, or the spouse is not also licensed; or
- (3) By the licensee and one or more other licensees, but only if all such owners are licensees which are associated with the same broker.

5. For purposes of subsection 4 of this section, the following terms shall mean:

- (1) "Business entity", any corporation, partnership, limited partnership, limited liability company, professional corporation, or association;
- (2) "Licensee", any real estate broker-salesperson or real estate salesperson, as such terms are defined under section 339.010.

SECTION B. EFFECTIVE DATE FOR CERTAIN SECTIONS. — The enactment of section 281.048 and the repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of this act shall become effective on January 1, 2024.

Approved June 22, 2021

SS HCS HB 557 & 560

Enacts provisions relating to the protection of children, with penalty provisions and an emergency clause.

AN ACT to amend chapter 210, RSMo, by adding thereto sixteen new sections relating to the protection of children, with penalty provisions and an emergency clause.

SECTION

- A Enacting clause.
- 210.143 Exempt-from-licensure residential care facilities, orders to present child, when — assessment — court procedures — violation, penalty.
- 210.493 Background checks required, when, content — procedure — ineligibility of applicant, when — administrative review — rulemaking authority.
- 210.1250 Citation of law.
- 210.1253 Definitions.
- 210.1256 Department of social services to be notification agency — access to children by parents and guardians — adequate care requirements.
- 210.1259 Director of facility to provide notice — facility registration — inapplicability.
- 210.1262 Notification, filing, contents.
- 210.1263 Background checks required, when.
- 210.1264 Census and demographic information of children at facility and list of facility staff, when.
- 210.1265 Fire, safety, health, and sanitation inspections, facility to comply.
- 210.1268 Operation without proper notification, court injunction, when.
- 210.1271 Injunctive relief, when — cease operation orders, hearing — emergency temporary custody, when.
- 210.1274 Religious curriculum, program, or ministry — content not to be regulated by state.
- 210.1280 Facility compliance list to be maintained, contents.
- 210.1283 Failure to complete a background check, penalty.

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

- 210.1286 Rulemaking authority.
B Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Chapter 210, RSMo, is amended by adding thereto sixteen new sections, to be known as sections 210.143, 210.493, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1280, 210.1283, and 210.1286, to read as follows:

210.143. EXEMPT-FROM-LICENSURE RESIDENTIAL CARE FACILITIES, ORDERS TO PRESENT CHILD, WHEN — ASSESSMENT — COURT PROCEDURES — VIOLATION, PENALTY. —

1. The children's division; law enforcement, including the state technical assistance team; or the prosecuting or circuit attorney may petition the circuit court for an order directing an exempt-from-licensure residential care facility, as those terms are defined under section 210.1253, that is the subject of an investigation of child abuse or neglect to present the child at a place and time designated by the court to a children's division worker for an assessment of the child's health, safety, and well-being.

2. The court shall enter an order under this section if:

(1) The court determines that there is reasonable cause to believe that the child has been abused or neglected and the residential care facility does not voluntarily provide access to the child;

(2) The assessment is reasonably necessary for the completion of an investigation or the collection of evidence; and

(3) Doing so is in the best interest of the child.

3. The assessment shall be completed and the child shall be returned to the residential care facility or to the child's parents or guardian within seventy-two hours, unless the court, after a hearing with attempted notice to the facility and to the parents or guardian and with due process for all parties, enters further orders to the contrary.

4. If the court enters an order to produce the child under this section, the court may expand the order to produce other children in the care of the residential care facility if the court finds there is reasonable cause to believe that such children may have been abused or neglected.

5. The petition and order may be made on an ex parte basis if it is reasonable to believe that providing notice may place the child at risk for further abuse or neglect, if it is reasonable to believe that providing notice may cause the child to be removed from the state of Missouri or the jurisdiction of the court, or if it is reasonable to believe that evidence relevant to the investigation will be unavailable if the ex parte order is not entered.

6. Any person served with a subpoena, petition, or order under this section shall not be required to file an answer, but may file a motion for a protective order or other appropriate relief. The motion shall be filed at or before the time for production or disclosure set out in the subpoena or order. The motion shall be in writing, but it may be informal and no particular form shall be required. The clerk shall serve a copy of the motion on the director of the children's division and any agency who applied for the order. The court shall expedite a hearing on the motion and shall issue its decision no later than one business day after the date the motion is filed. The court may review the motion in camera and stay implementation of the order once for up to three days. The in camera review shall be conducted on the record, but steps shall be taken to protect the identity of the child. Any information that may reveal the identity of a hotline reporter shall not be disclosed to anyone in any proceeding under this subsection unless otherwise allowed by law.

7. The petition for an order under this section shall be filed in the juvenile or family court that has judicial custody of the child under section 211.031 or in the circuit court of the county:

- (1) Where the child resides;
- (2) Where the child may be found;
- (3) Where the residential care facility is located;
- (4) Where the alleged perpetrator of the child abuse or neglect resides or may be found;
- (5) Where the subject of the subpoena may be located or found; or
- (6) Of Cole if none of the other venue provisions of this subsection apply.

8. The court shall expedite all proceedings under this section so as to ensure the safety of the child, the preservation of relevant evidence, that child abuse and neglect investigations may be completed within statutory time frames, and that due process is provided to the parties involved.

9. Any person who knowingly violates this section shall be guilty of a class A misdemeanor.

10. The time frames for the children's division to complete its investigation and notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and 210.183 shall be tolled from the date that the division files a subpoena until the information is produced in full, until such subpoena is withdrawn, or until a court of competent jurisdiction quashes such subpoena.

210.493. BACKGROUND CHECKS REQUIRED, WHEN, CONTENT — PROCEDURE — INELIGIBILITY OF APPLICANT, WHEN — ADMINISTRATIVE REVIEW — RULEMAKING AUTHORITY. — 1. Officers, managers, contractors, volunteers with access to children, employees, and other support staff of licensed residential care facilities and licensed child placing agencies in accordance with sections 210.481 to 210.536; owners of such residential care facilities who will have access to the facilities; and owners of such child placing agencies who will have access to children shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

2. Officers, managers, contractors, volunteers with access to children, employees, and other support staff of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of the residential care facility; and owners of such residential care facilities who will have access to the facilities shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

3. A background check shall include:

- (1) A Federal Bureau of Investigation fingerprint check;
- (2) A search of the National Crime Information Center's National Sex Offender Registry;

and

(3) A search of the following registries, repositories, or databases in Missouri, the state where the applicant resides, and each state where such applicant resided during the preceding five years:

- (a) The state criminal registry or repository, with the use of fingerprints being required in the state where the applicant resides and optional in other states;
- (b) The state sex offender registry or repository;
- (c) The state family care safety registry; and
- (d) The state-based child abuse and neglect registry and database.

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

4. For the purposes this section and notwithstanding any other provision of law, "department" means the department of social services.

5. The department shall be responsible for background checks as part of a residential care facility or child placing agency application for licensure, renewal of licensure, or for license monitoring.

6. The department shall be responsible for background checks for residential care facilities subject to the notification requirements of sections 210.1250 to 210.1286.

7. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the department.

8. Fingerprints submitted to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks under this section shall be valid for a period of five years.

9. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the licensed residential care facility or licensed child placing agency. The department shall not reveal to the residential care facility or the child placing agency any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

10. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the residential care facility subject to the notification requirements of sections 210.1250 to 210.1286. The department shall not reveal to the residential care facility any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

11. An applicant shall be ineligible if the applicant:

- (1) Refuses to consent to the background check as required by this section;
- (2) Knowingly makes a materially false statement in connection with the background check as required by this section;
- (3) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;
- (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or any other finding of child abuse or neglect based on any other state's registry or database; or
- (5) Has pled guilty or nolo contendere to or been found guilty of:
 - (a) Any felony for an offense against the person as defined in chapter 565;
 - (b) Any other offense against the person involving the endangerment of a child as prescribed by law;
 - (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;
 - (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;
 - (e) Burglary in the first degree as defined in section 569.160;
 - (f) Any misdemeanor or felony for robbery as defined in chapter 570;
 - (g) Any misdemeanor or felony for pornography or related offense as defined in chapter 573;
 - (h) Any felony for arson as defined in chapter 569;

(i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful possession of an explosive as defined in section 571.072;

(j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;

(k) A felony drug-related offense committed during the preceding five years; or

(l) Any similar offense in any federal, state, or other court of similar jurisdiction of which the department has knowledge.

12. Any person aggrieved by a decision of the department shall have the right to seek an administrative review. The review shall be filed with the department within fourteen days from the mailing of the notice of ineligibility. Any decision not timely appealed shall be final.

13. Any required fees shall be paid by the individual applicant, facility, or agency.

14. The department is authorized to promulgate rules, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section, shall be invalid and void.

210.1250. CITATION OF LAW. — Sections 210.1250 to 210.1286 shall be known and may be cited as the "Residential Care Facility Notification Act".

210.1253. DEFINITIONS. — As used in sections 210.1250 to 210.1286, unless the context clearly provides otherwise, the following terms mean:

(1) "Child", a person who is under eighteen years of age;

(2) "Department", the department of social services, or the children's division within the department of social services, as determined by the department;

(3) "Director", a person who is responsible for the operation of the residential care facility;

(4) "Exempt-from-licensure" or "license-exempt", a residential care facility that is not required to be licensed under section 210.516;

(5) "Person", an individual, partnership, organization, association, or corporation;

(6) "Residential care facility", any place, facility, or home operated by any person who receives children who are not related to the operator and whose parent or guardian is not a resident of the same facility and that provides such children with supervision, care, lodging, and maintenance for twenty-four hours a day, with or without transfer of custody.

210.1256. DEPARTMENT OF SOCIAL SERVICES TO BE NOTIFICATION AGENCY — ACCESS TO CHILDREN BY PARENTS AND GUARDIANS — ADEQUATE CARE REQUIREMENTS. — 1. The department shall be the notification agency for all license-exempt residential care facilities, and the department shall fulfill the duties and responsibilities of the provisions of sections 210.1250 to 210.1286.

2. A residential care facility shall allow parents or guardians of children in the residential care facility unencumbered access to the children of the parents or guardians in the residential care facility without requiring prior notification to the residential care facility.

3. A residential care facility shall provide for adequate food, clothing, shelter, medical, and other care necessary to provide for the physical and mental health of the child.

210.1259. DIRECTOR OF FACILITY TO PROVIDE NOTICE — FACILITY REGISTRATION — INAPPLICABILITY. — 1. The director of any residential care facility shall provide the required notification in accordance with sections 210.1250 to 210.1286 before such operator shall accept any children.

2. All residential care facilities operating on the effective date of sections 210.1250 to 210.1286 shall register accordingly within three months after the effective date of sections 210.1250 to 210.1286.

3. The provisions of sections 210.1250 to 210.1286 shall not apply to any residential care facility that is already licensed so long as the license, registration, or monitoring under which such facility already operates requires of that facility all requirements provided under sections 210.1250 to 210.1286.

210.1262. NOTIFICATION, FILING, CONTENTS. — The notification shall be filed by the director or his or her designee of the residential care facility to the department on forms provided by the department and shall contain the following information:

- (1) Name, street address, mailing address, and phone number of the residential care facility;
- (2) Name of the director, owner, operator, all staff members, volunteers, and any individual eighteen years of age or older who resides at or on the property of the residential care facility;
- (3) Name and description of the agency or organization operating the residential care facility, including a statement as to whether the agency or organization is incorporated;
- (4) Name and address of the sponsoring organization of the residential care facility, if applicable;
- (5) School or schools attended by the children served by the residential care facility;
- (6) Fire and safety inspection certificate;
- (7) Local health department inspection certificate; and
- (8) Proof that medical records are maintained for each child.

210.1263. BACKGROUND CHECKS REQUIRED, WHEN. — Officers, managers, contractors, volunteers with access to children, employees, and other support staff of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of such residential care facility; and owners of such residential care facilities who will have access to the facilities shall undergo background checks under section 210.493.

210.1264. CENSUS AND DEMOGRAPHIC INFORMATION OF CHILDREN AT FACILITY AND LIST OF FACILITY STAFF, WHEN. — Upon request by the department or a law enforcement officer acting within the scope of his or her employment, any license-exempt residential care facility subject to the notification requirements of sections 210.1250 to 210.1286 shall provide a full census and demographic information of children at the residential care facility, including parental or other guardian contact information and a full list of officers, managers, contractors, volunteers with access to children, employees, and other support staff of the residential care facility; any person eighteen years of age or older who resides at or on the property of the residential care facility; and any person who has unsupervised contact with a resident of the residential care facility.

210.1265. FIRE, SAFETY, HEALTH, AND SANITATION INSPECTIONS, FACILITY TO COMPLY. — The residential care facility shall comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance.

210.1268. OPERATION WITHOUT PROPER NOTIFICATION, COURT INJUNCTION, WHEN. — When the department is advised or has reason to believe that any residential care facility is operating without proper notification in accordance with sections 210.1250 to 210.1286, it shall give the director of the residential care facility written notice by certified mail that such person shall file notification in accordance with sections 210.1250 to 210.1286 within thirty days after receipt of such notice, or the department may request a court injunction as provided under section 210.1271.

210.1271. INJUNCTIVE RELIEF, WHEN — CEASE OPERATION ORDERS, HEARING — EMERGENCY TEMPORARY CUSTODY, WHEN. — 1. Notwithstanding any other remedy, the department, the prosecuting or circuit attorney of the county where the facility is located, or the attorney general may seek injunctive relief to cease the operation of the residential care facility and provide for the appropriate removal of the children from the residential care facility and placement in the custody of the parent or legal guardian or any other appropriate individual or entity in the discretion of the court, refer the matter to the juvenile officer of the appropriate county for appropriate proceedings under chapter 211, or other orders as the court determines appropriate to ensure the health and safety of the children. Such action shall be brought in the circuit court of the county in which such residential care facility is located and shall be initiated only for the following violations:

(1) Providing supervision, care, lodging, or maintenance for any children in such facility without filing notification in accordance with sections 210.1250 to 210.1286;

(2) Failing to satisfactorily comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance and required under section 210.252;

(3) Failing to comply with background checks as required by section 210.493; or

(4) An immediate health or safety concern for the children at the residential care facility.

2. In cases of an order granted *ex parte* under subsection 1 of this section requiring a residential care facility to cease operations, a hearing shall be held within three business days to determine whether the order shall remain in effect, with attempted notice to the facility and the parents or guardians and due process for all parties. In determining whether the order shall remain in effect, the court shall consider whether there exists reasonable cause to believe that the grounds for the original *ex parte* order continue to persist or if additional grounds exist to support the *ex parte* order as necessary to protect the health and safety of the children at the facility.

3. The department may notify the attorney general of any case in which the department makes a referral to a juvenile officer for removal of a child from a residential care facility. The notification shall include any violations under subsection 1 of this section.

4. If the court refers the matter to a juvenile officer, the court may also enter an order placing a child in the emergency, temporary protective custody of the children's division within the department, as provided under this section, for a period of time not to exceed five days. Such placement shall occur only if the children's division certifies to the court that the children's division has a suitable, temporary placement for the child and the court makes specific, written findings that:

(1) It is contrary to the welfare of the child to remain in the residential care facility;

(2) That the parent or legal guardian is unable or unwilling to take physical custody of the child within that time; and

(3) There is no other temporary, suitable placement for the child.

If the parent or legal guardian of the child does not make suitable arrangements for the custody and disposition of the child within five days of placement within the children's division, the child

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shall fall under the original and exclusive jurisdiction of the juvenile court under subdivision (1) or (2) of subsection 1 of section 211.031 and the juvenile officer shall file a petition with the juvenile court for further proceedings. Under no circumstances shall the children's division be required to retain care and custody of the child for more than five days without an order from the juvenile court.

5. The provisions of sections 452.700 to 452.930 shall apply and the court shall follow the procedures specified under section 452.755 for children who are placed at a residential care facility and who are from another state or country or are under the jurisdiction or authority of a court from another state.

210.1274. RELIGIOUS CURRICULUM, PROGRAM, OR MINISTRY — CONTENT NOT TO BE REGULATED BY STATE. — Nothing in the statutes of Missouri shall give any governmental agency jurisdiction or authority to regulate or attempt to regulate, control, or influence the form, manner, or content of the religious curriculum, program, or ministry of a school or of a facility sponsored by a church or religious organization.

210.1280. FACILITY COMPLIANCE LIST TO BE MAINTAINED, CONTENTS. — The department shall maintain a list of all residential care facilities in compliance with sections 210.1250 to 210.1286, and the list shall be provided upon request. The list shall also include information regarding how a person may obtain information about the nature and disposition of any substantiated child abuse or neglect reports at or related to the residential care facility, as provided in section 210.150.

210.1283. FAILURE TO COMPLETE A BACKGROUND CHECK, PENALTY. — A person is guilty of a class B misdemeanor if such person subject to background check requirements knowingly fails to complete a background check, as described under sections 210.493 and 210.1263.

210.1286. RULEMAKING AUTHORITY. — The department shall promulgate rules and regulations necessary for the implementation of sections 210.1250 to 210.1286. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of sections 210.1250 to 210.1286 shall be invalid and void.

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

Approved July 14, 2021

SS HCS HB 574

Enacts provisions relating to the inspection of grounds or facilities used for certain agricultural purposes.

AN ACT to amend chapter 261, RSMo, by adding thereto one new section relating to the inspection of grounds or facilities used for certain agricultural purposes.

SECTION

A Enacting clause.

261.099 Exclusive inspection of certain grounds and facilities, by whom — limitation of inspection — inapplicability, when — inadmissibility of evidence in criminal cases, when.

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

SECTION A. ENACTING CLAUSE. — Chapter 261, RSMo, is amended by adding thereto one new section, to be known as section 261.099, to read as follows:

261.099. EXCLUSIVE INSPECTION OF CERTAIN GROUNDS AND FACILITIES, BY WHOM — LIMITATION OF INSPECTION — INAPPLICABILITY, WHEN — INADMISSIBILITY OF EVIDENCE IN CRIMINAL CASES, WHEN. — 1. The Missouri department of agriculture or its representative, the Missouri department of natural resources or its representative, the county sheriff for the county in which the facility is located, the United States Department of Agriculture, and any other federal or Missouri state agency with statutory or regulatory authority over the products, animals, or processes described in subdivisions (1) to (3) of this subsection have the exclusive authority to inspect grounds or facilities that are located in Missouri and that are used for:

- (1) The production of eggs;
- (2) The production of milk or other dairy products; or
- (3) The raising of livestock or poultry.

2. No person, individual, corporation or other association, governmental agency, or any other entity except the entities described in subsection 1 of this section shall inspect the grounds or facilities described in subsection 1 of this section to enforce or carry out the laws or administrative rules of this state or a state other than Missouri unless specifically requested by the owner of the grounds or facilities, or pursuant to a search warrant lawfully issued by a court of competent jurisdiction.

3. (1) This section shall not apply to inspections performed in any municipality located in three or more counties, with one being a charter county, charter counties, except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, or any city not within a county.

(2) This section shall not apply to inspections performed on any further processing component of any production agriculture farm.

(3) This section shall not apply to searches carried out under section 252.100.

4. No testimony or evidence regarding any condition or event at the grounds or facilities set forth in subsection 1 of this section shall be admissible in any criminal prosecution unless such testimony or evidence is offered by:

- (1) A representative of any agency or office set forth in subsection 1 of this section;
- (2) Any person, individual, corporation or other association, governmental agency, or other entity specifically authorized by the owner of such grounds or facilities to be present at such grounds or facilities;

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

(3) Any person who entered such grounds or facilities pursuant to a valid search warrant issued by the court of competent jurisdiction; or

(4) Any person who has observed a condition or event at the grounds or facilities from public land or private land owned or rented by the person offering the testimony or evidence.

Approved June 10, 2021

SCS HB 604

Enacts provisions relating to insurance.

AN ACT to repeal sections 135.096, 287.170, 287.180, 287.715, 303.220, 319.131, 375.246, 376.1109, 379.120, 379.140, 379.145, 379.150, 379.160, and 507.184, RSMo, and to enact in lieu thereof twenty-six new sections relating to insurance.

SECTION

A Enacting clause.

- 135.096 Long-term care insurance tax deduction, amount.
- 287.170 Temporary total disability, amount to be paid — method of payment — disqualification, when — post injury misconduct defined — benefits not payable, when.
- 287.180 Temporary partial disability, amount to be paid — method of payment.
- 287.715 Annual surcharge required for second injury fund, amount, how computed, collection — violation, penalty — supplemental surcharge, amount.
- 303.220 Certificate of self-insurance — cancelled, when.
- 319.131 Owners of tanks containing petroleum products may elect to participate — advisory committee, members, duties — applications, content, standards and tests — financial responsibility — deductible — fund not liability of state — defense of third-party claims — ineligible sites — tanks owned by certain school districts — damages covered, limitation.
- 375.029 Continuing education credit, participation in professional insurance association qualifies, when, hours — rulemaking authority.
- 375.246 Reinsurance, when allowed as an asset or reduction from liability.
- 376.1109 Policies, content requirements, provisions prohibited — rules authorized — cancellation, refund required — limitation on rate increases.
- 376.1551 Federal mental health parity and addiction equity requirements — inapplicable, when — rulemaking authority.
- 376.2080 Funding agreement defined — authority to issue — rulemaking authority.
- 379.120 Explanation of refusal to write a policy, how given, contents — exemption, when.
- 379.140 Total loss of real property — full amount of policy less any deductible to be paid — inapplicability, when — multiple policies, effect on recovery — commercial buildings, policy covering two or more, recovery amount.
- 379.150 Partial loss by fire — standard fire insurance policy language, option for settlement of loss.
- 379.160 Form of policy to be filed — coinsurance clause.
- 379.1800 Description of authorized group personal lines property and casualty insurance — requirements.
- 379.1803 Master policy issuance, certificates — content of master policy.
- 379.1806 Basic package of coverages and limits, additional coverages or limits — reduced coverage, when — coverage terminated, when — optional coverages or limits — stacking prohibited.

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

- 379.1809 Rating plan, master policy premium — rates not unfairly discriminatory, when — experience refunds or dividends, when.
- 379.1812 Loss and expense experience statistics — employee purchase of insurance not required — premium taxes, allocation of premiums.
- 379.1815 Licensure required for agent or broker of policies — exception for certain activities — countersignature requirements prohibited.
- 379.1818 Notice of termination, contents — conversion to individual policy, when — inapplicability.
- 379.1821 Licensure required for issuance of policies — inapplicability to mass marketing and certain policies — rulemaking authority.
- 379.1824 Effective date.
- 436.700 Citation of law — legal custodian of minors, settlement agreement for minor's legal claim, requirements — payment of settlement moneys, withdrawals — immunity from liability, when.
- 507.184 Powers of next friend, GAL, conservator or guardian on trial and settlement — court approval — settlement of claims permitted.
- 379.145 Property insured in more than one company.

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

SECTION A. ENACTING CLAUSE. — Sections 135.096, 287.170, 287.180, 287.715, 303.220, 319.131, 375.246, 376.1109, 379.120, 379.140, 379.145, 379.150, 379.160, and 507.184, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 135.096, 287.170, 287.180, 287.715, 303.220, 319.131, 375.029, 375.246, 376.1109, 376.1551, 376.2080, 379.120, 379.140, 379.150, 379.160, 379.1800, 379.1803, 379.1806, 379.1809, 379.1812, 379.1815, 379.1818, 379.1821, 379.1824, 436.700, and 507.184, to read as follows:

135.096. LONG-TERM CARE INSURANCE TAX DEDUCTION, AMOUNT. — 1. In order to promote personal financial responsibility for long-term health care in this state, ~~for all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual's Missouri taxable income an amount equal to fifty percent of all nonreimbursed amounts paid by such individual for qualified long-term care insurance premiums to the extent such amounts are not included in the individual's itemized deductions.~~ for all taxable years beginning after December 31, ~~2006~~ **2020**, a resident individual may deduct from each individual's Missouri taxable income an amount equal to one hundred percent of all nonreimbursed amounts paid by such individuals for qualified long-term care insurance premiums to the extent such amounts are not included in the individual's itemized deductions. A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual's payment of all qualified long-term care insurance premiums. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section.

2. For purposes of this section, "qualified long-term care insurance" means any **insurance** policy which meets or exceeds the provisions of sections 376.1100 to 376.1118 and the rules and regulations promulgated pursuant to such sections for long-term care insurance, **or any insurance policy considered an asset or resource for purposes of eligibility for long-term care benefits under MO HealthNet.**

3. Notwithstanding any other provision of law to the contrary, two or more insurers issuing a qualified long-term care insurance policy shall not act in concert with each other and with others with respect to any matters pertaining to the making of rates or rating systems.

287.170. TEMPORARY TOTAL DISABILITY, AMOUNT TO BE PAID — METHOD OF PAYMENT — DISQUALIFICATION, WHEN — POST INJURY MISCONDUCT DEFINED — BENEFITS NOT PAYABLE, WHEN. — 1. For temporary total disability the employer shall pay compensation for not more than four hundred weeks during the continuance of such disability at the weekly rate of compensation in effect under this section on the date of the injury for which compensation is being made. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(5) For all injuries occurring on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week.

2. Temporary total disability payments shall be made to the claimant by check or other negotiable ~~instruments approved by the director which will not result in delay in payment~~ **instrument, or by electronic transfer or other manner authorized by the claimant**, and shall be forwarded directly to the claimant without intervention, or, when requested, to claimant's attorney if represented, except as provided in section 454.517, by any other party except by order of the division of workers' compensation.

3. An employee is disqualified from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation.

4. If the employee is terminated from post-injury employment based upon the employee's post-injury misconduct, neither temporary total disability nor temporary partial disability benefits under this section or section 287.180 are payable. As used in this section, the phrase "post-injury misconduct" shall not include absence from the workplace due to an injury unless the employee is capable of working with restrictions, as certified by a physician.

5. If an employee voluntarily separates from employment with an employer at a time when the employer had work available for the employee that was in compliance with any medical restriction imposed upon the employee within a reasonable degree of medical certainty as a result of the injury that is the subject of a claim for benefits under this chapter, neither temporary total disability nor temporary partial disability benefits available under this section or section 287.180 shall be payable.

287.180. TEMPORARY PARTIAL DISABILITY, AMOUNT TO BE PAID — METHOD OF PAYMENT. — 1. For temporary partial disability, compensation shall be paid during such disability but not for more than one hundred weeks, and shall be sixty-six and two-thirds percent of the difference between the average earnings prior to the accident and the amount which the employee, in the exercise of reasonable diligence, will be able to earn during the disability, to be determined in view of the nature and extent of the injury and the ability of the employee to compete in an open labor market. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wages are determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage.

2. Temporary partial disability payments shall be made to the claimant by check, or other negotiable instrument ~~[approved by the director which will not result in delay in payment]~~, or by **electronic transfer or other manner authorized by the claimant.**

287.715. ANNUAL SURCHARGE REQUIRED FOR SECOND INJURY FUND, AMOUNT, HOW COMPUTED, COLLECTION — VIOLATION, PENALTY — SUPPLEMENTAL SURCHARGE, AMOUNT. — 1. For the purpose of providing for revenue for the second injury fund, every authorized self-insurer, and every workers' compensation policyholder insured pursuant to the provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the provisions of this section. The annual surcharge imposed under this section shall apply to all workers' compensation insurance policies and self-insurance coverages which are written or renewed on or after April 26, 1988, including the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured. Notwithstanding any law to the contrary, the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional transaction.

2. Beginning October 31, 2005, and each year thereafter, the director of the division of workers' compensation shall estimate the amount of benefits payable from the second injury fund during the following calendar year and shall calculate the total amount of the annual surcharge to be imposed during the following calendar year upon all workers' compensation policyholders and authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each policyholder and self-insured for the following calendar year commencing with the calendar year beginning on January

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1, 2006, shall be set at and calculated against a percentage, not to exceed three percent, of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid from the second injury fund in the following calendar year, less any moneys contained in the fund at the end of the previous calendar year. All policyholders and self-insurers shall be notified by the division of workers' compensation within ten calendar days of the determination of the surcharge percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for individual self-insured employers shall be based on average rate classifications calculated by the department of commerce and insurance as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation. The director may advance funds from the workers' compensation fund to the second injury fund if surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation fund to the second injury fund must be reimbursed by the second injury fund no later than December thirty-first of the year following the advance. The surcharge shall be collected from policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses or fees.

3. All surcharge amounts imposed by this section shall be deposited to the credit of the second injury fund.

4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails to make timely transfer to the division of surcharges actually collected from policyholders, as required by this section, a penalty of one-half of one percent of the surcharge unpaid, or untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to ~~2021~~ **2022** of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point. **For calendar year 2023, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed two and one-half percent of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point.** All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, ~~2021~~ **2023**.

7. Funds collected under the provisions of this chapter shall be the sole funding source of the second injury fund.

303.220. CERTIFICATE OF SELF-INSURANCE — CANCELLED, WHEN. — 1. Any religious denomination which has more than twenty-five members with motor vehicles and ~~prohibits~~ **discourages** its members from purchasing insurance, of any form, as being contrary to its religious tenets, may qualify as a self-insurer by obtaining a self-insurance certificate issued by the director as provided in subsection 3 of this section.

2. Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the director as provided in subsection 3 of this section.

3. The director may, in his discretion, upon the application of any religious denomination or person described in subsection 1 or 2 of this section, issue a certificate of self-insurance when he is satisfied that such religious denomination or person is possessed and will continue to be possessed of the ability to pay judgments obtained against such religious denomination or person.

4. Upon not less than ten days' notice and a hearing pursuant to such notice, the director may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

319.131. OWNERS OF TANKS CONTAINING PETROLEUM PRODUCTS MAY ELECT TO PARTICIPATE — ADVISORY COMMITTEE, MEMBERS, DUTIES — APPLICATIONS, CONTENT, STANDARDS AND TESTS — FINANCIAL RESPONSIBILITY — DEDUCTIBLE — FUND NOT LIABILITY OF STATE — DEFENSE OF THIRD-PARTY CLAIMS — INELIGIBLE SITES — TANKS OWNED BY CERTAIN SCHOOL DISTRICTS — DAMAGES COVERED, LIMITATION. — 1. Any owner or operator of one or more petroleum storage tanks may elect to participate in the petroleum storage tank insurance fund to meet the financial responsibility requirements of sections 319.114 and 414.036. Subject to regulations of the board of trustees, owners or operators may elect to continue their participation in the fund subsequent to the transfer of their property to another party. Current or former refinery sites or petroleum pipeline or marine terminals are not eligible for participation in the fund.

2. The board shall establish an advisory committee which shall be composed of insurers, owners and operators of petroleum storage tanks, and other interested parties. The advisory committee established pursuant to this subsection shall report to the board. The committee shall monitor the fund and recommend statutory and administrative changes as may be necessary to assure efficient operation of the fund. The committee, in consultation with the board and the department of commerce and insurance, shall report every two years to the general assembly on the availability and affordability of the private insurance market as a viable method of meeting the financial responsibilities required by state and federal law in lieu of the petroleum storage tank insurance fund.

3. (1) Except as otherwise provided by this section, any person seeking to participate in the insurance fund shall submit an application to the board of trustees and shall certify that the petroleum tanks meet or exceed and are in compliance with all technical standards established by the United States Environmental Protection Agency, except those standards and regulations pertaining to spill prevention control and counter-measure plans, and rules established by the Missouri department of natural resources and the Missouri department of agriculture. The applicant shall submit proof that the applicant has a reasonable assurance of the tank's integrity. Proof of tank integrity may include but not be limited to any one of the following: tank tightness test, electronic leak detection, monitoring wells, daily inventory reconciliation, vapor test or any other test that may be approved by the director of the department of natural resources or the director of the department of agriculture. The applicant shall

submit evidence that the applicant can meet all applicable financial responsibility requirements of this section.

(2) A creditor, specifically a person who, without participating in and not otherwise primarily engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily for the purpose of, or in connection with, securing payment or performance of a loan or to protect a security interest in or lien on the tank or the property where the tank is located, or serves as trustee or fiduciary upon transfer or receipt of the property, may be a successor in interest to a debtor pursuant to this section, provided that the creditor gives notice of the interest to the insurance fund by certified mail, return receipt requested. Part of such notice shall include a copy of the lien, including but not limited to a security agreement or a deed of trust as appropriate to the property. The term "successor in interest" as provided in this section means a creditor to the debtor who had qualified real property in the insurance fund prior to the transfer of title to the creditor, and the term is limited to access to the insurance fund. The creditor may cure any of the debtor's defaults in payments required by the insurance fund, provided the specific real property originally qualified pursuant to this section. The creditor, or the creditor's subsidiary or affiliate, who forecloses or otherwise obtains legal title to such specific real property held as collateral for loans, guarantees or other credit, and which includes the debtor's aboveground storage tanks or underground storage tanks, or both such tanks shall provide notice to the fund of any transfer of creditor to subsidiary or affiliate. Liability pursuant to sections 319.100 to 319.137 shall be confined to such creditor or such creditor's subsidiary or affiliate. A creditor shall apply for a transfer of coverage and shall present evidence indicating a lien, contractual right, or operation of law permitting such transfer, and may utilize the creditor's affiliate or subsidiary to hold legal title to the specific real property taken in satisfaction of debts. Creditors may be listed as insured or additional insured on the insurance fund, and not merely as mortgagees, and may assign or otherwise transfer the debtor's rights in the insurance fund to the creditor's affiliate or subsidiary, notwithstanding any limitations in the insurance fund on assignments or transfer of the debtor's rights.

(3) Any person participating in the fund shall annually submit an amount established pursuant to subsection 1 of section 319.133 which shall be deposited to the credit of the petroleum storage tank insurance fund.

4. Any person making a claim pursuant to this section and sections 319.129 and 319.133 shall be liable for the first ten thousand dollars of the cost of cleanup associated with a release from a petroleum storage tank without reimbursement from the fund. The petroleum storage tank insurance fund shall assume all costs, except as provided in subsection 5 of this section, which are greater than ten thousand dollars but less than one million dollars per occurrence or two million dollars aggregate per year. The liability of the petroleum storage tank insurance fund is not the liability of the state of Missouri. The provisions of sections 319.100 to 319.137 shall not be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610 nor to abolish or waive any defense which might otherwise be available to the state or to any person. The presence of existing contamination at a site where a person is seeking insurance in accordance with this section shall not affect that person's ability to participate in this program, provided the person meets all other requirements of this section. Any person who qualifies pursuant to sections 319.100 to 319.137 and who has requested approval of a project for remediation from the fund, which request has not yet been decided upon shall annually be sent a status report including an estimate of when the project may expect to be funded and other pertinent information regarding the request.

5. The fund shall provide coverage for third-party claims involving property damage or bodily injury caused by leaking petroleum storage tanks whose owner or operator is participating in the fund at the time the release occurs or is discovered. Coverage for third-party property damage or bodily injury shall be in addition to the coverage described in subsection 4 of this section but the total liability of the petroleum storage tank insurance fund for all cleanup costs, property damage, and bodily injury shall not exceed one million dollars per occurrence or two million dollars aggregate per year. The fund

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shall not compensate an owner or operator for repair of damages to property beyond that required to contain and clean up a release of a regulated substance or compensate an owner or operator or any third party for loss or damage to other property owned or belonging to the owner or operator, or for any loss or damage of an intangible nature, including, but not limited to, loss or interruption of business, pain and suffering of any person, lost income, mental distress, loss of use of any benefit, or punitive damages.

6. ~~[The fund shall, within limits specified in this section, assume costs of third party claims and cleanup of contamination caused by releases from petroleum storage tanks.]~~ **In addition to other coverage limits in this section, the fund shall provide the defense of eligible third-party claims including the negotiations of any settlement and may specify a legal defense cost coverage limit.**

7. Nothing contained in sections 319.100 to 319.137 shall be construed to abrogate or limit any right, remedy, causes of action, or claim by any person sustaining personal injury or property damage as a result of any release from any type of petroleum storage tank, nor shall anything contained in sections 319.100 to 319.137 be construed to abrogate or limit any liability of any person in any way responsible for any release from a petroleum storage tank or any damages for personal injury or property damages caused by such a release.

8. (1) The fund shall provide moneys for cleanup of contamination caused by releases from petroleum storage tanks, the owner or operator of which is participating in the fund or the owner or operator of which has made application for participation in the fund by December 31, 1997, regardless of when such release occurred, provided that those persons who have made application are ultimately accepted into the fund. Applicants shall not be eligible for fund benefits until they are accepted into the fund. This section shall not preclude the owner or operator of petroleum storage tanks coming into service after December 31, 1997, from making application to and participating in the petroleum storage tank insurance fund.

(2) Notwithstanding the provisions of section 319.100 and the provisions of subdivision (1) of this section, the fund shall provide moneys for cleanup of contamination caused by releases from petroleum storage tanks owned by school districts all or part of which are located in a county of the third classification without a township form of government and having a population of more than ten thousand seven hundred but less than eleven thousand inhabitants, and which make application for participation in the fund by August 28, 1999, regardless of when such release occurred. Applicants shall not be eligible for fund benefits until they are accepted into the fund, and costs incurred prior to that date shall not be eligible expenses.

9. (1) The fund shall provide moneys for cleanup of contamination caused by releases from underground storage tanks which contained petroleum and which have been taken out of use prior to December 31, 1997, provided such sites have been documented by or reported to the department of natural resources prior to December 31, 1997, and provided further that the fund shall make no reimbursements for expenses incurred prior to August 28, 1995. The fund shall also provide moneys for cleanup of contamination caused by releases from underground storage tanks which contained petroleum and which have been taken out of use prior to December 31, 1985, if the current owner of the real property where the tanks are located purchased such property before December 31, 1985, provided such sites are reported to the fund on or before June 30, 2000. The fund shall make no payment for expenses incurred at such sites prior to August 28, 1999. Nothing in sections 319.100 to 319.137 shall affect the validity of any underground storage tank fund insurance policy in effect on August 28, 1996.

(2) An owner or operator who submits a request as provided in this subsection is not required to bid the costs and expenses associated with professional environmental engineering services. The board may disapprove all or part of the costs and expenses associated with the environmental engineering services if the costs are excessive based upon comparable service costs or current market value of similar services. The owner or operator shall solicit bids for actual remediation and cleanup work as provided by rules of the board.

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(3) After December 31, 2017, the current legal owner of the site shall be the responsible party for corrective action, pursuant to section 319.109, of any releases from underground storage tanks described in this subsection, provided the creditor, who is a successor in interest as provided in subdivision (2) of subsection 3 of this section, is subject to no greater or lesser responsibility for corrective action than such successor in interest would have on or before December 31, 2017. Nothing in this subdivision shall in any way be construed to alter, alleviate, or modify in any manner any liabilities that the fund has to pay for in cleaning up the site.

10. (1) The fund shall provide moneys for cleanup of contamination caused by releases from aboveground storage tanks utilized for the sale of products regulated by chapter 414 which have been taken out of use prior to December 31, 1997, provided such sites have been documented by or reported to the department of natural resources prior to December 31, 1997, and provided further that the fund shall make no reimbursements for expenses incurred prior to July 1, 1997.

(2) After December 31, 2017, the current legal owner of the site shall be the responsible party for corrective action of any releases from aboveground storage tanks described in this subsection, provided the creditor, who is a successor in interest as provided in subdivision (2) of subsection 3 of this section, is subject to no greater or lesser responsibility for corrective action than such successor in interest would have on or before December 31, 2017. Nothing in this subdivision shall in any way be construed to alter, alleviate, or modify in any manner any liabilities that the fund has to pay for in cleaning up the site.

375.029. CONTINUING EDUCATION CREDIT, PARTICIPATION IN PROFESSIONAL INSURANCE ASSOCIATION QUALIFIES, WHEN, HOURS — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms mean:

(1) "Director", the director of the department of commerce and insurance;

(2) "Insurance producer", a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance.

2. (1) Subject to approval by the director, an insurance producer's active participation as an individual member or employee of a business entity producer member of a local, regional, state, or national professional insurance association may be approved for up to four hours of continuing education credit per each biennial reporting period.

(2) An insurance producer shall not use continuing education credit granted under this section to satisfy continuing education hours required to be completed in a classroom or classroom-equivalent setting, or to satisfy any continuing education ethics requirements.

(3) The continuing education hours referenced in subdivision (1) of subsection 2 of this section shall be credited upon the timely filing with the director by the insurance producer of an appropriate written statement in a form acceptable to the director, or by a certification from the local, regional, state, or national professional insurance association through written form or electronic filing acceptable to the director.

3. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

375.246. REINSURANCE, WHEN ALLOWED AS AN ASSET OR REDUCTION FROM LIABILITY.
— 1. Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction

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from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subdivisions (1) ~~[(1)],~~ **(2), (3), (4), (5),** (6), or (7) of this subsection; **provided further, that the director may adopt by rule under subdivision (2) of subsection 4 of this section specific additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in subdivision (2) of subsection 4 of this section, or the circumstances under which credit will be reduced or eliminated.** Credit shall be allowed pursuant to subdivision (1), (2) or (3) of this subsection only as respects cessions of those kinds or classes of business which the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed pursuant to subdivision (3), (4), or (5) of this subsection only if the applicable requirements of subdivision ~~[(7)]~~ **(8)** have been satisfied.

(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is licensed to transact insurance in this state;

(2) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited by the director as a reinsurer in this state. In order to be eligible for accreditation, a reinsurer shall:

(a) File with the director evidence of its submission to this state's jurisdiction;

(b) Submit to the authority of the department of commerce and insurance to examine its books and records;

(c) Be licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien assuming insurer is entered through and licensed to transact insurance or reinsurance in at least one state;

(d) File annually with the director a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement; and

(e) Demonstrate to the satisfaction of the director that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet such requirement as of the time of its application if it maintains a surplus regarding policyholders in an amount not less than twenty million dollars and its accreditation has not been denied by the director within ninety days after submission of its application;

(3) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled in, or in the case of a United States branch of an alien assuming insurer is entered through, a state that employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or United States branch of an alien assuming insurer:

(a) Maintains a surplus as regards policyholders in an amount not less than twenty million dollars; except that this paragraph does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system; and

(b) Submits to the authority of the department of commerce and insurance to examine its books and records;

(4) (a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified United States financial institution, as defined in subdivision (2) of subsection 3 of this section, for the payment of the valid claims of its United States ceding insurers, their assigns and successors in interest. To enable the director to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the director information substantially the same as that required to be reported on the National Association of Insurance Commissioners' annual statement form by licensed insurers. The assuming insurer shall submit to examination of its books and records by the director.

(b) Credit for reinsurance shall not be granted pursuant to this subdivision unless the form of the trust and any amendments to the trust have been approved by:

a. The commissioner or director of the state agency regulating insurance in the state where the trust is domiciled; or

b. The commissioner or director of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

(c) The form of the trust and any trust amendments shall also be filed with the commissioner or director in every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the director.

(d) The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. No later than February twenty-eighth of each year the trustees of the trust shall report to the director in writing the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the next following December thirty-first.

(e) The following requirements apply to the following categories of assuming insurers:

a. The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by the United States ceding insurers, and, in addition, the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars, except as provided in subparagraph b. of this paragraph;

b. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the director with principal regulator oversight of the trust may authorize a reduction in the required trustee surplus, but only after a finding based on an assessment of risk that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors including, when applicable, the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus shall not be reduced to an amount less than thirty percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust;

c. In the case of a group of incorporated and individual unincorporated underwriters:

(i) For reinsurance ceded under reinsurance agreements with an inception, amendment or renewal date on or after January 1, 1993, the trust shall consist of a trustee account in an amount not less than the respective underwriter's several liabilities attributable to business ceded by United States domiciled ceding insurers to any underwriter of the group;

(ii) For reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this section, the trust shall consist of a trustee account in an amount not less than the respective underwriter's several insurance and reinsurance liabilities attributable to business in the United States; and

(iii) In addition to these trusts, the group shall maintain in trust a trustee surplus of which one hundred million dollars shall be held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all years of account;

d. The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members;

e. Within ninety days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the director an annual certification by the group's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group;

(5) (a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the director as a reinsurer in this state and secures its obligations in accordance with the requirements of this subdivision.

(b) In order to be eligible for certification, the assuming insurer shall meet the following requirements:

a. The assuming insurer shall be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the director under paragraph (d) of this subdivision;

b. The assuming insurer shall maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the director by rule;

c. The assuming insurer shall maintain financial strength ratings from two or more rating agencies deemed acceptable by the director by rule;

d. The assuming insurer shall agree to submit to the jurisdiction of this state, appoint the director as its agent for service of process in this state, and agree to provide security for one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

e. The assuming insurer shall agree to meet applicable information filing requirements as determined by the director, both with respect to an initial application for certification and on an ongoing basis; and

f. The assuming insurer shall satisfy any other requirements for certification deemed relevant by the director.

(c) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. To be eligible for certification, in addition to satisfying requirements of paragraph (b) of this subdivision:

a. The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the director to provide adequate protection;

b. The incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

c. Within ninety days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the director:

(i) An annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or

(ii) If a certification is unavailable, financial statements prepared by independent public accountants of each underwriter member of the association.

(d) a. The director shall create and publish a list of qualified jurisdictions, under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the director as a certified reinsurer.

b. To determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the director shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the director with respect to all certified reinsurers

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domiciled within that jurisdiction. A jurisdiction shall not be recognized as a qualified jurisdiction if the director has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered at the discretion of the director.

c. The director may consider a list of qualified jurisdictions published by the National Association of Insurance Commissioners (NAIC) in determining qualified jurisdictions for the purposes of this section. If the director approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the director shall provide thoroughly documented justification in accordance with criteria to be developed by rule.

d. United States jurisdictions that meet the requirement for accreditation under the NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions.

e. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the director has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

(e) The director shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the director by rule. The director shall publish a list of all certified reinsurers and their ratings.

(f) a. A certified reinsurer shall secure obligations assumed from United States ceding insurers under this subdivision at a level consistent with its rating, as specified in regulations promulgated by the director.

b. For a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the director and consistent with the provisions of this section or in a multibeneficiary trust in accordance with paragraph (e) of subdivision (4) of this subsection, except as otherwise provided in this subdivision.

c. If a certified reinsurer maintains a trust to fully secure its obligations under paragraph (d) of subdivision (4) of this subsection and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other United States jurisdictions and for its obligations subject to paragraph (e) of subdivision (4) of this subsection. It shall be a condition to the grant of certification under this section that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the director with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.

d. The minimum trustee surplus requirements provided in paragraph (e) of subdivision (4) of this subsection are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this paragraph, except that such trust shall maintain a minimum trustee surplus of ten million dollars.

e. With respect to obligations incurred by a certified reinsurer under this paragraph, if the security is insufficient, the director shall order the certified reinsurer to provide sufficient security for such incurred obligations within thirty days. If a certified reinsurer does not provide sufficient security for its obligations incurred under this subsection within thirty days of being ordered to do so by the director, the director has the discretion to allow credit in the amount of the required security for one year. Following this one-year period, the director shall impose reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

f. (i) For purposes of this paragraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent of its obligations.

(ii) As used in this subparagraph, the term "terminated" refers to revocation, suspension, voluntary surrender, and inactive status.

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(iii) If the director continues to assign a higher rating as permitted by other provisions of this subdivision, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

g. If an applicant for certification has been certified as a reinsurer in an NAIC-accredited jurisdiction, the director has the discretion to defer to that jurisdiction's certification and to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in this state.

h. A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the director shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

(6) Credit:

(a) Shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth below:

a. The assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction. A "reciprocal jurisdiction" is a jurisdiction that meets one of the following:

(i) A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union. For purposes of this subdivision, a "covered agreement" is an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. Sections 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance;

(ii) A United States jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or

(iii) A qualified jurisdiction, as determined by the director pursuant to paragraph (d) of subdivision (5) of this subsection, which is not otherwise described in item (i) or (ii) of this subparagraph and which meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the director by rule.

b. The assuming insurer shall have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth by rule. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, minimum capital and surplus equivalents (net of liabilities) calculated according to the methodology applicable to its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth by rule.

c. The assuming insurer shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, which shall be set forth by rule. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed.

d. The assuming insurer shall agree and provide adequate assurance to the director, in a form specified by the director by rule, as follows:

(i) The assuming insurer shall provide prompt written notice and explanation to the director if it falls below the minimum requirements set forth in subparagraphs b. or c. of this paragraph, or if any regulatory action is taken against it for serious noncompliance with applicable law;

(ii) The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the director as agent for service of process. The director may require that consent for service of process be provided to the director and included in each reinsurance agreement. Nothing in this provision shall limit, or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;

(iii) The assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;

(iv) Each reinsurance agreement shall include a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

(v) The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement which involves this state's ceding insurers, and agree to notify the ceding insurer and the director and to provide security in an amount equal to one hundred percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of subdivision (5) of this subsection and subsection 2 of this section and as specified by the director by rule.

e. The assuming insurer or its legal successor shall provide, if requested by the director, on behalf of itself and any legal predecessors, certain documentation to the director, as specified by the director by rule.

f. The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth by rule.

g. The assuming insurer's supervisory authority shall confirm to the director on an annual basis, as of the preceding December thirty-first or at the annual date otherwise statutorily reported to the reciprocal jurisdiction that the assuming insurer complies with the requirements set forth in subparagraphs b. and c. of this paragraph.

h. Nothing in this subdivision precludes an assuming insurer from providing the director with information on a voluntary basis.

(b) The director shall timely create and publish a list of reciprocal jurisdictions.

a. A list of reciprocal jurisdictions is published through the NAIC committee process. The director's list shall include any reciprocal jurisdiction as defined under items (i) and (ii) of subparagraph a. of paragraph (a) of this subdivision, and shall consider any other reciprocal jurisdiction included on the NAIC list. The director may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed under rules promulgated by the director.

b. The director may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth by rule promulgated by the director, except that the director shall not remove from the list a reciprocal jurisdiction as defined under item (i) and (ii) of subparagraph a. of paragraph (a) of this subdivision. Upon removal of a reciprocal jurisdiction

from this list credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed under this section.

(c) The director shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this subdivision and to which cessions shall be granted credit in accordance with this subdivision. The director may add an assuming insurer to such list if an NAIC accredited jurisdiction has added such assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the director as required under subparagraph d. of paragraph (a) of this subdivision and complies with any additional requirements that the director may adopt by rule, except to the extent that they conflict with an applicable covered agreement.

(d) If the director determines that an assuming insurer no longer meets one or more of the requirements under this subdivision, the director may revoke or suspend the eligibility of the assuming insurer for recognition under this subdivision in accordance with procedures set forth by rule.

a. While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subsection 2 of this section.

b. If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the director and consistent with the provisions of subsection 2 of this section.

(e) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(f) Nothing in this subdivision shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this section or other applicable law or regulation.

(g) Credit may be taken under this subdivision only for reinsurance agreements entered into, amended, or renewed on or after December 31, 2021, and only with respect to losses incurred and reserves reported on or after the later of: the date on which the assuming insurer has met all eligibility requirements under paragraph (a) of this subdivision; or the effective date of the new reinsurance agreement, amendment, or renewal.

a. This paragraph shall not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subdivision, as long as the reinsurance qualifies for credit under any other applicable provision of this section.

b. Nothing in this subdivision shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

c. Nothing in this subdivision shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

(7) Credit:

(a) Shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of subdivision (1), (2), (3), (4), ~~(5)~~, or (6) of this subsection, but only as to the insurance of risks located in a jurisdiction of the United States where the reinsurance is required by applicable law or regulation of that jurisdiction;

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(b) May be allowed in the discretion of the director when the reinsurance is ceded to an assuming insurer not meeting the requirements of subdivision (1), (2), (3), (4), ~~[(5)]~~ **or (6)** of this subsection, but only as to the insurance of risks located in a foreign country where the reinsurance is required by applicable law or regulation of that country;

~~[(7)]~~ **(8)** If the assuming insurer is not licensed, accredited, or certified to transact insurance or reinsurance in this state, the credit permitted by subdivisions (3) and (4) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(a) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer shall submit to the jurisdiction of the courts of this state, will comply with all requirements necessary to give such courts jurisdiction, and will abide by the final decisions of such courts or of any appellate courts in this state in the event of an appeal; and

(b) To designate the director or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding insurer. This paragraph is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement and the jurisdiction and situs of the arbitration is, with respect to any receivership of the ceding company, any jurisdiction of the United States;

~~[(8)]~~ **(9)** If the assuming insurer does not meet the requirements of subdivision (1), (2) or (3) of this subsection, the credit permitted by subdivision (4) or (5) of this subsection shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(a) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by paragraph (e) of subdivision (4) of this subsection, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner or director with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner or director with regulatory oversight all of the assets of the trust fund;

(b) The assets shall be distributed by and claims shall be filed with and valued by the commissioner or director with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;

(c) If the commissioner or director with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the commissioner or director with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and

(d) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this subsection.

~~[(9)]~~ **(10)** (a) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the director may suspend or revoke the reinsurer's accreditation or certification.

(b) The director shall give the reinsurer notice and opportunity for a hearing. The suspension or revocation shall not take effect until after the director's order on hearing, unless:

a. The reinsurer waives its right to hearing;

b. The director's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subdivision (5) of this subsection; or

c. The director finds that an emergency requires immediate action, and a court of competent jurisdiction has not stayed the commissioner's action.

(c) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with subdivision (5) of this subsection or subsection 2 of this section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance shall be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subdivision (5) of this subsection or subsection 2 of this section.

~~[(10)]~~ **(11)** (a) A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the director within thirty days after reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers exceeds fifty percent of the domestic ceding insurer's last reported surplus to policyholders or after it is determined that reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers is likely to exceed such limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(b) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the director within thirty days after ceding to any single assuming insurer or group of affiliated assuming insurers more than twenty percent of the ceding insurer's gross written premium in the prior calendar year or after it has determined that the reinsurance ceded to any single assuming insurer or group of affiliated assuming insurers is likely to exceed such limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

2. An asset or reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of subsection 1 of this section shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer; **provided further, that the director may adopt by rule pursuant to subdivision (2) of subsection 4 of this section specific additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in subdivision (2) of subsection 4 of this section, or the circumstances under which credit will be reduced or eliminated.** The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in subdivision (2) of subsection 3 of this section. This security may be in the form of:

(1) Cash;

(2) Securities listed by the securities valuation office of the National Association of Insurance Commissioners, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;

(3) (a) Clean, irrevocable, unconditional letters of credit issued or confirmed by a qualified United States financial institution, as defined in subdivision (1) of subsection 3 of this section, no later than December thirty-first of the year for which filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement.

(b) Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, shall continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs;

(4) Any other form of security acceptable to the director.

3. (1) For purposes of subdivision (3) of subsection 2 of this section, a "qualified United States financial institution" means an institution that:

(a) Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;

(b) Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies; and

(c) Has been determined by either the director, or the securities valuation office of the National Association of Insurance Commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the director.

(2) A "qualified United States financial institution" means, for purposes of those provisions of this law specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

(a) Is organized, or in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(b) Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

4. (1) The director may adopt rules and regulations implementing the provisions of this section.

(2) The director is further authorized to adopt rules and regulations applicable to reinsurance arrangements described in paragraph (a) of this subdivision.

(a) A rule adopted under this subdivision may apply only to reinsurance relating to:

a. Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;

b. Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

c. Variable annuities with guaranteed death or living benefits;

d. Long-term care insurance policies; or

e. Such other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance.

(b) A rule adopted under subparagraphs a. or b. of paragraph (a) of this subdivision may apply to any treaty containing policies issued on or after January 1, 2015, or policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.

(c) A rule adopted under this subdivision may require the ceding insurer, in calculating the amounts or forms of security required to be held under rules promulgated under this authority, to use the valuation manual adopted in accordance with subsection 6 of section 376.380, including all amendments adopted thereto and in effect on the date as of which the calculation is made, to the extent applicable.

(d) A regulation adopted under this subdivision shall not apply to cessions to an assuming insurer that:

a. Meets the conditions set forth in subdivision (6) of subsection 1 of this section, or if this state has not fully implemented provisions substantially equivalent to subdivision (6) of subsection 1 of this section by rule or otherwise, the assuming insurer is operating in accordance with provisions substantially equivalent to subdivision (6) of subsection 1 of this section in a minimum of five other states;

b. Is certified in this state; or

c. Maintains at least two hundred fifty million dollars in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is:

(i) Licensed in at least twenty-six states; or

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(ii) Licensed in at least ten states, and licensed or accredited in a total of at least thirty-five states.

(e) The authority to adopt regulations under this subdivision does not limit the director's general authority to adopt regulations under subdivision (1) of this subsection.

5. (1) The director shall disallow any credit as an asset or as a deduction from liability for any reinsurance found by him to have been arranged for the purpose principally of deception as to the ceding company's financial condition as of the date of any financial statement of the company. Without limiting the general purport of this provision, reinsurance of any substantial part of the company's outstanding risks contracted for in fact within four months prior to the date of any such financial statement and cancelled in fact within four months after the date of such statement, or reinsurance under which the assuming insurer bears no substantial insurance risk or substantial risk of net loss to itself, shall prima facie be deemed to have been arranged for the purpose principally of deception within the intent of this provision.

(2) (a) The director shall also disallow as an asset or deduction from liability to any ceding insurer any credit for reinsurance unless the reinsurance is payable to the ceding company, and if it be insolvent to its receiver, by the assuming insurer on the basis of the liability of the ceding company under the contracts reinsured without diminution because of the insolvency of the ceding company.

(b) Such payments shall be made directly to the ceding insurer or to its domiciliary liquidator except:

a. Where the contract of insurance or reinsurance specifically provides for payment to the named insured, assignee or named beneficiary of the policy issued by the ceding insurer in the event of the insolvency of the ceding insurer; or

b. Where the assuming insurer, with the consent of it and the direct insured or insureds in an assumption reinsurance transaction subject to sections 375.1280 to 375.1295, has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees.

(c) Notwithstanding paragraphs (a) and (b) of this subdivision, in the event that a life and health insurance guaranty association has made the election to succeed to the rights and obligations of the insolvent insurer under the contract of reinsurance, then the reinsurer's liability to pay covered reinsured claims shall continue under the contract of reinsurance, subject to the payment to the reinsurer of the reinsurance premiums for such coverage. Payment for such reinsured claims shall only be made by the reinsurer pursuant to the direction of the guaranty association or its designated successor. Any payment made at the direction of the guaranty association or its designated successor by the reinsurer will discharge the reinsurer of all further liability to any other party for such claim payment.

(d) The reinsurance agreement may provide that the domiciliary liquidator of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against such ceding insurer on the contract reinsured within a reasonable time after such claim is filed in the liquidation proceeding. During the pendency of such claim, any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated any defenses which it deems available to the ceding insurer, or its liquidator. Such expense may be filed as a claim against the insolvent ceding insurer to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer. Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.

6. To the extent that any reinsurer of an insurance company in liquidation would have been required under any agreement pertaining to reinsurance to post letters of credit or other security prior to an order of liquidation to cover such reserves reflected upon the last financial statement filed with a regulatory authority immediately prior to receivership, such reinsurer shall be required to post letters of credit or

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other security to cover reserves after a company has been placed in liquidation or receivership. If a reinsurer shall fail to post letters of credit or other security as required by a reinsurance agreement or the provisions of this subsection, the director may consider disallowing as a credit or asset, in whole or in part, any future reinsurance ceded to such reinsurer by a ceding insurance company that is incorporated under the laws of the state of Missouri.

7. The provisions of section 375.420 shall not apply to any action, suit or proceeding by a ceding insurer against an assuming insurer arising out of a contract of reinsurance effectuated in accordance with the laws of Missouri.

8. Notwithstanding any other provision of this section, a domestic insurer may take credit for reinsurance ceded either as an asset or a reduction from liability only to the extent such credit is allowed by the consistent application of either applicable statutory accounting principles adopted by the NAIC or other accounting principles approved by the director.

9. The director may suspend the accreditation, approval, or certification under subsection 1 of this section of any reinsurer for failure to comply with the applicable requirements of subsection 1 of this section after providing the affected reinsurer with notice and opportunity for hearing.

376.1109. POLICIES, CONTENT REQUIREMENTS, PROVISIONS PROHIBITED — RULES AUTHORIZED — CANCELLATION, REFUND REQUIRED — LIMITATION ON RATE INCREASES. —

1. The director may adopt regulations that include standards for full and fair disclosure setting forth the manner, content and required disclosures for the sale of long-term care insurance policies, terms of renewability, initial and subsequent conditions of eligibility, nonduplication of coverage provisions, coverage of dependents, preexisting conditions, termination of insurance, continuation or conversion, probationary periods, limitations, exceptions, reductions, elimination periods, requirements for replacement, recurrent conditions and definitions of terms. Regulations adopted pursuant to sections 376.1100 to 376.1130 shall be in accordance with the provisions of chapter 536.

2. No long-term care insurance policy may:

(1) Be cancelled, nonrenewed or otherwise terminated on the grounds of the age or the deterioration of the mental or physical health of the insured individual or certificate holder; or

(2) Contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder; or

(3) Provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than for lower levels of care.

3. No long-term care insurance policy or certificate other than a policy or certificate thereunder issued to a group as defined in paragraph (a) of subdivision (4) of subsection 2 of section 376.1100:

(1) Shall use a definition of preexisting condition which is more restrictive than the following: "Preexisting condition" means a condition for which medical advice or treatment was recommended by, or received from, a provider of health care services, within six months preceding the effective date of coverage of an insured person;

(2) May exclude coverage for a loss or confinement which is the result of a preexisting condition unless such loss or confinement begins within six months following the effective date of coverage of an insured person.

4. The director may extend the limitation periods set forth in subdivisions (1) and (2) of subsection 3 of this section as to specific age group categories in specific policy forms upon findings that the extension is in the best interest of the public.

5. The definition of preexisting condition provided in subsection 3 of this section does not prohibit an insurer from using an application form designed to elicit the complete health history of an applicant, and, on the basis of the answers on that application, from underwriting in accordance with that insurer's established underwriting standards. Unless otherwise provided in the policy or certificate, a preexisting

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condition, regardless of whether it is disclosed on the application, need not be covered until the waiting period described in subdivision (2) of subsection 3 of this section expires. No long-term care insurance policy or certificate may exclude or use waivers or riders of any kind to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions beyond the waiting period described in subdivision (2) of subsection 3 of this section.

6. No long-term care insurance policy may be delivered or issued for delivery in this state if such policy:

- (1) Conditions eligibility for any benefits on a prior hospitalization requirement; or
- (2) Conditions eligibility for benefits provided in an institutional care setting on the receipt of a higher level of institutional care; or
- (3) Conditions eligibility for any benefits other than waiver of premium, post-confinement, post-acute care or recuperative benefits on a prior institutionalization requirement.

7. A long-term care insurance policy containing post-confinement, post-acute care or recuperative benefits shall clearly label in a separate paragraph of the policy or certificate entitled "Limitations or Conditions on Eligibility for Benefits" such limitations or conditions, including any required number of days of confinement.

8. A long-term care insurance policy or rider which conditions eligibility of noninstitutional benefits on the prior receipt of institutional care shall not require a prior institutional stay of more than thirty days.

9. No long-term care insurance policy or rider which provides benefits only following institutionalization shall condition such benefits upon admission to a facility for the same or related conditions within a period of less than thirty days after discharge from the institution.

10. The director may adopt regulations establishing loss ratio standards for long-term care insurance policies provided that a specific reference to long-term care insurance policies is contained in the regulation.

11. Long-term care insurance applicants shall have the right to return the policy or certificate within thirty days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty days of its delivery and to have the premium refunded if, after examination of the policy or certificate, other than a certificate issued pursuant to a policy issued to a group defined in paragraph (a) of subdivision (4) of subsection 2 of section 376.1100, the applicant is not satisfied for any reason. This subsection shall also apply to denials of applications and any refund must be made within thirty days of the return or denial.

12. (1) If a long-term care insurance policy issued, delivered, or renewed in this state on or after January 1, 2011, is cancelled for any reason, the insurer shall refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund shall be returned to the policyholder within twenty days from the date the insurer receives notice of the cancellation. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall be entitled to a refund of the unearned premium if the policy is cancelled for any reason.

(2) The policyholder may notify the insurer of cancellation of such long-term care insurance policy at any time by sending written or electronic notification.

13. No long-term care insurance policy shall increase premium rates, measured annually, in excess of the amount that is actuarially justified based on credible experience, and on the rate basis in effect in this state without recognition of rates that may be in effect in other states.

376.1551. FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY REQUIREMENTS — INAPPLICABLE, WHEN — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms mean:

- (1) "Health benefit plan", the same meaning given to the term in section 376.1350;
- (2) "Health carrier", the same meaning given to the term in section 376.1350;
- (3) "Mental health condition", the same meaning given to the term in section 376.1550.

2. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2022, and that provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. Section 300gg-26, as amended, and the regulations promulgated thereunder. The director may enforce such requirements subject to the provisions of this section.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of twelve months' or less duration, a health benefit plan in the small group market that was issued before January 1, 2014, or a health benefit plan in the individual market that was purchased before January 1, 2014, or any other supplemental policy as determined by the director of the department of commerce and insurance.

4. The director may promulgate rules to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

376.2080. FUNDING AGREEMENT DEFINED — AUTHORITY TO ISSUE — RULEMAKING AUTHORITY. — 1. As used in this chapter and chapter 375, the term "funding agreement" means an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts that are not based on mortality or morbidity contingencies of the person to whom the funding agreement is issued. A funding agreement shall not be deemed to constitute a security, as such term is defined in section 409.1-102.

2. A life insurance company formed under this chapter may issue funding agreements. The issuance of a funding agreement shall be deemed to be doing insurance business.

3. The director may promulgate rules as necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

379.120. EXPLANATION OF REFUSAL TO WRITE A POLICY, HOW GIVEN, CONTENTS — EXEMPTION, WHEN. — 1. If any insurer refuses to write a policy of automobile insurance, it shall, within thirty days after such refusal, send a written explanation of such refusal to the applicant at his last known address. Notice shall be sent by United States Postal Service certified mail, certificate of mailing,

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first class mail using Intelligent Mail barcode (IMb), or another mail tracking method used, approved, or accepted by the United States Postal Service. The explanation shall state:

(1) The insurer's actual reason for refusing to write the policy, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits", "living conditions", "poor morals", or "violation or accident record" shall not suffice to meet the requirements of this subdivision;

(2) That the applicant may be eligible for insurance through the assigned risk plan if other insurance is not available.

2. An insurer shall be exempt from the requirements of subsection 1 of this section if the applicant is written on a policy of automobile insurance issued by an affiliate or subsidiary within the same insurance holding company system.

379.140. TOTAL LOSS OF REAL PROPERTY — FULL AMOUNT OF POLICY LESS ANY DEDUCTIBLE TO BE PAID — INAPPLICABILITY, WHEN — MULTIPLE POLICIES, EFFECT ON RECOVERY — COMMERCIAL BUILDINGS, POLICY COVERING TWO OR MORE, RECOVERY AMOUNT. — [In all suits brought upon policies of insurance against loss or damage by fire hereafter issued or renewed, the defendant shall not be permitted to deny that the property insured thereby was worth at the time of the issuing of the policy the full amount insured therein on said property; and in case of total loss of the property insured, the measure of damage shall be the amount for which the same was insured, less whatever depreciation in value, below the amount for which the property is insured, the property may have sustained between the time of issuing the policy and the time of the loss, and the burden of proving such depreciation shall be upon the defendant; and in case of partial loss, the measure of damage shall be that portion of the value of the whole property insured, ascertained in the manner prescribed in this chapter, which the part injured or destroyed bears to the whole property insured.] 1. When real property incurs a total loss caused by a peril covered under an insurance policy and such total loss is a covered loss under the insurance policy, then the liability of the insurance company writing the policy shall be the amount of money for which the real property was insured, less any deductible, as specified in the policy.

2. This section shall not apply to:

- (1) Any partial loss;
- (2) Any personal property that is not scheduled;
- (3) Any detached or appurtenant structure;
- (4) Any builder's risk policy;
- (5) Any policy of mortgage insurance;
- (6) Two or more buildings insured under a blanket basis or limit of insurance;
- (7) Any loss in which the insured or one acting on the insured's behalf engaged in any fraudulent or criminal activity that contributed to the loss;
- (8) Any loss to property if the insured increased the risk of loss insured against within sixty days of the date of the loss without the consent of the insurer and the increase in the risk of loss was a cause of the loss;
- (9) Any replacement cost coverage provided for in a policy or by endorsement, except that this section shall not be construed to prohibit an insured from recovering any replacement cost coverage pursuant to the terms and conditions of a policy or endorsement; or
- (10) Any loss that is covered by two or more policies.

3. If two or more policies provide coverage for a total loss of real property caused by a peril, then the insureds may recover the face amount of the policy with the highest limit of coverage, and each policy shall contribute to the payment of the loss in proportion to the amount of insurance mentioned in each policy.

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4. For a total loss to a commercial building that is insured on a blanket basis for a stated amount that covers two or more commercial buildings, the settlement of the claim shall be based on the initial value assigned to each affected commercial building before the loss, with any balance remaining being settled according to the terms and conditions of the policy.

379.150. PARTIAL LOSS BY FIRE — STANDARD FIRE INSURANCE POLICY LANGUAGE, OPTION FOR SETTLEMENT OF LOSS. — ~~[Whenever there is a partial destruction or damage to property covered by insurance, it shall be the duty of the party writing the policies to pay the assured a sum of money equal to the damage done to the property, or repair the same to the extent of such damage, not exceeding the amount written in the policy, so that said property shall be in as good condition as before the fire, at the option of the insured.]~~ Any fire insurance policy issued or renewed on or after August 28, 2021, shall be construed to require that a partial loss caused by fire be adjusted in accordance with the following language which shall be considered part of the standard fire insurance policy for Missouri under the provisions of section 379.160: "It shall be optional with the company to settle the loss at the actual cash value or to repair, rebuild or replace the property destroyed or damaged with other of like kind or quality within a reasonable time, on giving notice of its intention within thirty days or after the receipt of the proof of loss herein required." However, if any fire policy provides coverage for a partial loss caused by fire, in a policy form determined and approved by the director to be at least as favorable to the insured as the standard fire insurance policy for Missouri, then the insurer issuing the policy shall adjust the loss in accordance with the policy form. Notwithstanding any administrative rule to the contrary, nothing in this section shall be construed to create a general contractor relationship by the company to the insured.

379.160. FORM OF POLICY TO BE FILED — COINSURANCE CLAUSE. — 1. Each fire insurance company doing business in the state of Missouri is hereby required to file the form of policy for use by it in the state of Missouri, covering the responsibilities of the companies as well as the duties of the assured, to be classed and known as the standard fire insurance policy. Said policy form may be approved by the director of the department of commerce and insurance of the state, and no policy shall be issued in this state carrying risks by fire or lightning by any company which does not embrace the form filed and approved of, as herein provided. There may be printed upon such policy the words "Standard Fire Insurance Policy for Missouri" and there may be inserted before and after the word "Missouri" a designation of any state or states or territory in which such form is standard.

2. All such policies shall have an address of the company in the United States fully printed thereon, to which, in case of loss, the assured may send notice of such loss, and to which notice shall be given within sixty days after the loss.

3. The appearance of an adjuster of any company at the place of fire and loss in which said company is interested by reason of an insurance on such property, shall be considered evidence of notice and to be held as a waiver of the same on the part of the company; provided, that on any policies issued upon property, real or personal, or real and personal, there may be attached a coinsurance clause; and provided further, that when a coinsurance clause is attached to any policy a reduction in rate shall be given therefor, in accordance with coinsurance credits that are now or may hereafter be filed as a part of the public rating record in the office of the director of the department of commerce and insurance in this state, by fire insurance companies, that have been or shall hereafter be approved by the director of the department of commerce and insurance; provided further, that in all suits brought upon policies of insurance against loss or damage by fire hereafter issued or renewed, the defendant shall not be permitted to deny that the **real** property insured thereby was worth at the time of the issuing of the policy the full amount insured therein on said **real** property ~~[covering both real and personal property];~~ and

provided further, that nothing in this section shall be construed to repeal or change the provisions of section 379.140.

379.1800. DESCRIPTION OF AUTHORIZED GROUP PERSONAL LINES PROPERTY AND CASUALTY INSURANCE — REQUIREMENTS. — 1. Except as provided in subsection 2 of this section, no policy of group personal lines property and casualty insurance shall be issued or delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of the affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term "employees" shall include directors of a corporate employer and retired employees. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials;

(b) The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. A policy on which no part of the premium is to be derived from funds contributed by the insured employees shall insure all eligible employees, except those who reject such coverage in writing;

(2) A policy issued to a labor union or similar employee organization, which shall be deemed to be the policyholder, to insure members of the union or organization for the benefit of persons other than the union or organization or any of its officials, representatives or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union or organization, or all of any class or classes thereof;

(b) The premium for the policy shall be paid from funds of the union or organization, from funds contributed by the insured members specifically for their insurance, or from both. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance shall insure all eligible members, except those who reject such coverage in writing;

(3) A policy issued to a trust, or to the trustees of a fund, established or adopted by two or more employers, or by one or more labor unions or similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes thereof. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term

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"employees" shall include directors of a corporate employer and retired employees. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship;

(b) The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons, by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons or from both the insured persons and the employers or unions or similar employee organizations. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance shall insure all eligible persons, except those who reject such coverage in writing;

(4) A policy issued to an association or to a trust or to the trustees of a fund established, created or maintained for the benefit of members of one or more associations. The association or associations shall have at the outset a minimum of one hundred persons and have been organized and maintained in good faith for purposes other than that of obtaining insurance, shall have been in active existence for at least one year, and shall have a constitution and bylaws which provide that:

(a) The association or associations hold regular meetings not less than annually to further purposes of the members;

(b) The association or associations collect dues or solicit contributions from members; and

(c) The members have voting privileges and representation on the governing board and committees.

Policies under this subdivision shall be subject to the following requirements:

a. The policy may insure members of the association or associations, employees thereof or employees of members, or one or more of the preceding or all of any class or classes thereof for the benefit of persons other than the employees' employer;

b. The premium for the policy shall be paid from funds contributed by the association or associations, or by employer members, or by both, or from funds contributed by the insured persons or from both the insured persons and the association, associations, or employer members. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance shall insure all eligible persons, except those who reject such coverage in writing;

c. If compensation of any kind will or may be paid to the policyholder in connection with the group policy, the insurer shall cause to be distributed to prospective insureds a written notice that compensation will or may be paid. Such notice shall be distributed:

(i) Whether compensation is direct or indirect; and

(ii) Whether such compensation is paid to or retained by the policyholder, or paid to or retained by a third party at the direction of the policyholder or any entity affiliated with the policyholder by ownership, contract or employment.

The notice required by this subparagraph shall be placed on or accompany any document designed for the enrollment of prospective insureds;

Under this subsection, the definition of an eligible employee or member may include the spouse of the eligible employee or member.

2. Group personal lines property and casualty insurance offered to a resident of this state under a group personal lines property and casualty insurance policy issued or delivered to a group other than one described in subsection 1 of this section shall be subject to the following requirements:

(1) No such group personal lines property and casualty insurance policy shall be issued or **delivered in this state unless the director finds that:**

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- (a) The issuance of the group policy is not contrary to the best interest of the public;
 - (b) The issuance of the group policy would result in economies of acquisition or administration; and
 - (c) The benefits are reasonable in relation to the premiums charged;
- (2) No group personal lines property and casualty insurance coverage shall be offered in this state by an insurer under a policy issued or delivered in another state unless this state or another state having requirements substantially similar to those contained in subdivision (1) of this subsection has made a determination that the requirements have been met;
- (3) The premium for a group personal lines property and casualty policy shall be paid from the policyholder's funds, from funds contributed by the covered persons, or from both;
- (4) If compensation of any kind will or may be paid to the policyholder in connection with the group policy, the insurer shall cause to be distributed to prospective insureds, a written notice that compensation will or may be paid. Notice shall be distributed:
- (a) Whether compensation is direct or indirect; and
 - (b) Whether such compensation is paid to or retained by the policyholder, or paid to or retained by a third party at the direction of the policyholder or any entity affiliated with the policyholder by ownership, contract or employment.

The notice required by this subsection shall be placed on or accompany any document designed for the enrollment of prospective insureds.

379.1803. MASTER POLICY ISSUANCE, CERTIFICATES — CONTENT OF MASTER POLICY. —

1. A master policy shall be issued to the policyholder. Eligible employees or members insured under the master policy shall receive certificates of coverage setting forth a statement as to the insurance protection to which they are entitled.

2. No master policy or certificate of insurance shall be issued or delivered in this state unless the master policy form, together with all forms for riders, certificates and endorsements to the master policy form, shall have met the applicable filing requirements in this state. No subsequent amendments to the master policy form or forms for riders, certificates and endorsements to the master policy form shall be issued or delivered until they have met the applicable filing requirements in this state.

3. The master policy shall set forth the coverages, exclusions and conditions of the insurance provided therein, together with the terms and conditions of the agreement between the policyholder and the insurer. The master policy shall make express provisions for the following:

- (1) Methods of premium collection;
- (2) Enrollment period, effective date provisions and eligibility standards for employees or members;
- (3) Termination of the master policy; and
- (4) Conversion privileges of the employees or members.

4. If the master policy provides for remittance of premium by the policyholder, failure of the policyholder to remit premiums when due shall not be regarded as nonpayment of premium by the employee or member who has made his or her contribution on a timely basis.

379.1806. BASIC PACKAGE OF COVERAGES AND LIMITS, ADDITIONAL COVERAGES OR LIMITS — REDUCED COVERAGE, WHEN — COVERAGE TERMINATED, WHEN — OPTIONAL COVERAGES OR LIMITS — STACKING PROHIBITED. —

1. The master policy shall provide a basic package of coverages and limits that are available to all eligible employees or members. The package shall include at least the minimum coverages and limits of insurance as required by law in that employee's or member's state of residence or in the state where the subject property is

located, if applicable. In addition, the master policy may provide additional coverages or limits to be available at an increased premium to employees or members who qualify under the terms of the master policy.

2. The master policy shall provide coverage for all eligible employees or members who elect coverage during their initial period of eligibility, which period shall not be less than thirty-one days. Employees or members who do not elect coverage during the initial period and later request coverage shall be subject to the insurer's underwriting standards.

3. Coverage under the master policy may be reduced only as to all members of a class, and shall never be reduced to a level below the limits required by applicable law.

4. Coverage under the master policy may be terminated as to an employee or member only for:

- (1) Failure of the employee or member to make required premium contributions;
- (2) Termination of the master policy in its entirety or as to the class to which the employee or member belongs;
- (3) Discontinuance of the employee's or member's membership in a class eligible for coverage; or
- (4) Termination of employment or membership.

5. If optional coverages or limits are available by law in an employee's or member's state of residence, the policyholder's acceptance or rejection of the optional coverages or limits on behalf of the group shall be binding on the employees or members. If the policyholder rejects any coverages or limits that are required by law to be provided unless rejected by the named insured, notice of the rejection shall be given to the employees or members at or before the time their certificates of coverage are delivered.

6. Stacking of coverages or limits among separate certificates of insurance is prohibited under a master policy of group personal lines property and casualty insurance; except that, if separate certificates under the same master policy are issued to relatives living in the same household, the state law pertaining to stacking of individual policies shall apply to those certificates.

379.1809. RATING PLAN, MASTER POLICY PREMIUM — RATES NOT UNFAIRLY DISCRIMINATORY, WHEN — EXPERIENCE REFUNDS OR DIVIDENDS, WHEN. — 1. No master policy or certificate of insurance shall be issued or delivered in this state unless the rating plan and amendments thereto used in the determination of the master policy premium have met the applicable filing requirements in this state.

2. Group insurance premium rates shall not be deemed unfairly discriminatory if adjusted to reflect past and prospective loss experience or group expense factors, or if averaged broadly among persons insured under the master policy. Nor shall such rates be deemed to be unfairly discriminatory if they do not reflect individual rating factors including surcharges and discounts required for individual personal lines property and casualty insurance policies.

3. Experience refunds or dividends may be paid to the policyholder of a group personal lines property and casualty insurance policy if the insurer's experience under that policy justifies experience refunds or dividends. However, if an experience refund or dividend is declared, it shall be applied by the policyholder for the sole benefit of the insured employees or members to the extent that the experience refund or dividend exceeds the policyholder's contribution to premium for the period covered by such experience refund or dividend.

379.1812. LOSS AND EXPENSE EXPERIENCE STATISTICS — EMPLOYEE PURCHASE OF INSURANCE NOT REQUIRED — PREMIUM TAXES, ALLOCATION OF PREMIUMS. — 1. An insurer

issuing or delivering group personal lines property and casualty insurance shall maintain separate statistics as to the loss and expense experience pertinent thereto.

2. No insurer shall issue or deliver a group personal lines property and casualty insurance policy if it is a condition of employment or of membership in a group that any employee or member purchase insurance pursuant to the policy, or if any employee or member shall be subject to any penalty by reason of his or her non-participation.

3. (1) No insurer shall issue or deliver a group personal lines property and casualty insurance policy if:

(a) The purchase of insurance available under the policy is contingent upon the purchase of any other insurance, product, or service; or

(b) The purchase or price of any other insurance, product, or service is contingent upon the purchase of insurance available under the group personal lines property and casualty insurance policy.

(2) Subdivision (1) of this subsection shall not be deemed to prohibit the reasonable requirement of safety devices, such as heat detectors, lightning rods, theft prevention equipment and the like. Neither shall subdivision (1) of this subsection be deemed to prohibit the marketing of "package" or "combination" policies.

4. The insurer's experience from its group personal lines property and casualty insurance policies shall be included in the determination of the insurer's participation in the applicable residual market plans.

5. For purposes of premium taxes, the insurer shall allocate premiums in accordance with the rules applicable to individual personal lines property and casualty insurance policies, except that any required allocation may be based on an annual survey of insureds. Premiums shall be apportioned among states without differentiation between policyholder or employee or member contributions.

379.1815. LICENSURE REQUIRED FOR AGENT OR BROKER OF POLICIES — EXCEPTION FOR CERTAIN ACTIVITIES — COUNTERSIGNATURE REQUIREMENTS PROHIBITED. — 1. No person shall act in this state as an insurance agent or broker in connection with the solicitation, negotiation or sale of a group personal lines property and casualty insurance policy unless the person is duly licensed under sections 375.012 to 375.146 as an insurance producer for the applicable lines of insurance. However, none of the following activities engaged in by the insurer or its employees, or the policyholder or its employees, shall require the licensing of such entities or persons as insurance producers:

(1) Endorsement or recommendation of the master policy to employees or members;

(2) Distribution to employees or members, by mail or otherwise, of information pertaining to the master policy;

(3) Collection of contributions toward premium through payroll deductions or other appropriate means, and remittance of the premium to an insurer; or

(4) Receipt of reimbursement from an insurer for actual, reasonable expenses incurred for administrative services which would otherwise be performed by the insurer with respect to the master policy. However, nothing herein shall supersede any applicable law or regulation that prohibits or regulates splitting of commissions with unlicensed persons, or rebating commissions or premiums.

2. No countersignature requirements shall apply to a group personal lines property and casualty insurance policy that is issued or delivered in this state pursuant to the provisions of sections 379.1800 to 379.1824.

379.1818. NOTICE OF TERMINATION, CONTENTS — CONVERSION TO INDIVIDUAL POLICY, WHEN — INAPPLICABILITY. — 1. Each employee or member covered under the master policy whose coverage thereunder terminates for any reason other than the failure to make required contributions toward premiums or at the request of the employee or member, shall receive from the insurer thirty days prior written notice of termination or ineligibility. The notice shall state the reasons for discontinuance of coverage under the master policy, and shall explain the employee's or member's options for conversion to an individual policy.

2. If, within thirty days after receipt of notice of termination or ineligibility, application is made and the first premium is paid to the insurer, the employee or member shall be entitled to have issued to him or her by the insurer, or an affiliate within the same group of insurers, an individual policy, effective upon termination or ineligibility, with coverages and limits at least equal to the minimum coverages and limits of insurance as required by the applicable state law.

3. No individual notice of termination as provided in subsection 1 of this section and no conversion privilege as provided in subsection 2 of this section shall be required if the master policy is replaced by another master policy within thirty days. Coverage under the prior master policy shall terminate when the replacement master policy becomes effective.

379.1821. LICENSURE REQUIRED FOR ISSUANCE OF POLICIES — INAPPLICABILITY TO MASS MARKETING AND CERTAIN POLICIES — RULEMAKING AUTHORITY. — 1. No master policy or certificate of insurance shall be issued or delivered in this state unless issued or delivered by an insurer which is duly licensed in this state to write the lines of insurance covered by the master policy or is an eligible nonadmitted insurer pursuant to section 384.021.

2. The provisions of sections 379.1800 to 379.1824 shall not apply to the mass marketing or any other type of marketing of individual personal lines property and casualty insurance policies.

3. Sections 379.1800 to 379.1824 shall not apply to policies of credit property or credit casualty insurance which insure the debtors of a creditor or creditors with respect to their indebtedness.

4. Sections 379.1800 to 379.1824 shall not apply to policies of personal automobile insurance or personal motor vehicle liability insurance, nor shall such sections be construed as authorizing the sale or issuance of personal automobile insurance or personal motor vehicle liability insurance under a group or master policy within this state.

5. Sections 379.1800 to 379.1812 shall not apply to policies issued by a nonadmitted insurer pursuant to chapter 384.

6. Nothing in sections 379.1800 to 379.1824 shall limit the authority of the director with respect to complaints or disputes involving residents of this state arising out of a master policy that has been issued or delivered in another state.

7. The director may promulgate rules as necessary to implement and administer the provisions of sections 379.1800 to 379.1824. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

379.1824. EFFECTIVE DATE. — The provisions of sections 379.1800 to 379.1824 shall become effective January 1, 2022. No master policy or certificate of insurance shall be issued or delivered in this state after the effective date unless issued or delivered in compliance with sections 379.1800

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to 379.1824. A master policy or certificate that is lawfully in effect on January 1, 2022, shall comply with the provisions of sections 379.1800 to 379.1824 within twelve months of such date.

436.700. CITATION OF LAW — LEGAL CUSTODIAN OF MINORS, SETTLEMENT AGREEMENT FOR MINOR'S LEGAL CLAIM, REQUIREMENTS — PAYMENT OF SETTLEMENT MONEYS, WITHDRAWALS — IMMUNITY FROM LIABILITY, WHEN. — 1. The provisions of this section shall be known and cited as the "Missouri Statutory Thresholds for Settlements Involving Minors Act".

2. A person having legal custody of a minor may enter into a settlement agreement with any person or entity against whom the minor has a claim if:

(1) A conservator or guardian ad litem has not been appointed for the minor;

(2) The total amount of the claim, including reimbursement of medical expenses, liens, reasonable attorney's fees, and costs, is thirty-five thousand dollars or less if paid in cash, by draft, or if paid by the purchase of a premium for an annuity;

(3) The moneys paid pursuant to the settlement agreement will be paid as set forth in subsections 5 and 6 of this section; and

(4) The person entering into the settlement agreement on behalf of the minor completes an affidavit or verified statement that attests that the person has made a reasonable inquiry and that:

(a) To the best of the person's knowledge, the minor will be fully compensated by the settlement; or

(b) There is no practical way to obtain additional amounts from the person or entity entering into the settlement agreement with the minor.

3. The attorney representing the person entering into the settlement agreement on behalf of the minor, if any, shall maintain the affidavit or verified statement completed pursuant to subdivision (4) of subsection 2 of this section in the attorney's file for at least six years in accordance with the Missouri supreme court rules of professional conduct.

4. The amount of the settlement described in subdivision (2) of subsection 2 of this section shall be increased every five years beginning January 1, 2027, based on the Consumer Price Index for All Urban Consumers for the United States (CPI-U), or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. For purposes of this section, any increase in the consumer price index shall be determined based upon the percentage increase of the consumer price index for the preceding calendar year over the consumer price index for the calendar year five years prior thereto.

5. The moneys payable in the settlement agreement shall be paid as follows:

(1) If the minor or person entering into the settlement agreement on behalf of the minor is represented by an attorney and the settlement is paid in cash, by draft, or by direct deposit into the attorney's trust account maintained pursuant to supreme court rules to be held for the benefit of the minor, the attorney shall deposit the moneys received on behalf of the minor directly into a uniform transfer to minors account for the sole benefit of the minor. The attorney shall provide notice of the deposit to the minor and the person entering into the settlement agreement on behalf of the minor. Notice shall be delivered by personal service or first class mail;

(2) If the minor or person entering into the settlement agreement on behalf of the minor is not represented by an attorney and the settlement is paid:

(a) In cash or by draft, the person entering into the settlement agreement on behalf of the minor shall deposit the moneys directly into a uniform transfer to minors account for the sole benefit of the minor; or

(b) By direct deposit, the person entering into the settlement agreement on behalf of the minor shall provide the person or entity with whom the minor has settled the claim with

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information sufficient to complete an electronic transfer of settlement funds within ten business days of the settlement into a uniform transfer to minors account for the sole benefit of the minor and the person or entity with whom the minor has settled shall provide notice of the electronic transfer by personal service or first class mail to the minor and the person entering the settlement agreement on behalf of the minor;

(3) If paid by purchase of an annuity, the moneys shall be paid by direct payment to the provider of the annuity with the minor designated as the sole beneficiary of the annuity; or

(4) If the minor is in the custody of the state and the settlement is paid in cash, the moneys shall be deposited directly into a trust account or subaccount of a trust account established by the children's division of the department of social services for the purpose of receiving moneys payable to the minor in the custody of the state under the settlement agreement and that earns interest for the benefit of the minor in the custody of the state.

6. The moneys in the minor's savings account, trust account, or trust subaccount established in subsection 5 of this section may not be withdrawn, removed, paid out, or transferred to any person, including the minor, except as follows:

(1) Pursuant to a court order;

(2) Upon the minor's attainment of eighteen years of age;

(3) At the direction of a duly appointed conservator;

(4) At the direction of the custodian for the uniform transfer to minors account for the sole benefit of the minor; or

(5) Upon the minor's death.

7. If a settlement agreement is entered into in compliance with subsection 2 of this section, the signature of the person entering into the settlement agreement on behalf of the minor is binding on the minor without the need for further court approval or review and has the same force and effect as if the minor were a competent adult entering into the settlement agreement.

8. A person acting in good faith in entering into a settlement agreement on behalf of a minor pursuant to this section shall not be liable to the minor for the moneys paid in the settlement or for any other claims arising out of the settlement of the claim.

9. Any person or entity against whom a minor has a claim, including any insurer of a person or entity against whom a minor has a claim, that settles the claim with the minor in good faith pursuant to this section shall not be liable to the minor for any claims arising from the settlement of the claim.

507.184. POWERS OF NEXT FRIEND, GAL, CONSERVATOR OR GUARDIAN ON TRIAL AND SETTLEMENT — COURT APPROVAL — SETTLEMENT OF CLAIMS PERMITTED. — 1. The next friend, guardian ad litem or guardian or conservator shall have the power and authority, subject to the approval of the court, to waive a jury and submit all issues in such action or proposed settlement to the court for determination.

2. The next friend, guardian ad litem or guardian or conservator shall have the power and authority to contract on behalf of the minor for a settlement of the minor's claim, action or judgment, provided that such contract and settlement shall not be effective until approved by the court. The next friend, guardian ad litem and guardian or conservator shall also have the power and authority to execute and sign a release or satisfaction and discharge of a judgment which shall be binding upon the minor, provided the court orders the execution of such release or satisfaction and discharge of judgment.

3. The court shall have the power and authority to hear evidence on and either approve or disapprove a proposed contract to settle an action or claim of a minor, to authorize and order the next friend, guardian ad litem or guardian or conservator to execute and sign a release or satisfaction and discharge of judgment, and shall also have the power and authority to approve a fee contract between the next friend, guardian ad litem or guardian or conservator and an attorney and to order him to pay an

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attorney fee and to pay the expenses which have been reasonably incurred in connection with the preparation and prosecution of the action or claim and including the cost of any bonds required herein.

4. Notwithstanding the provisions of this section to the contrary, nothing in this section shall be construed as prohibiting the settlement of claims pursuant to section 436.700 or as requiring court approval of settlements pursuant to section 436.700.

~~**[379.145. PROPERTY INSURED IN MORE THAN ONE COMPANY. —** 1. When fire insurance policies shall be hereafter issued or renewed by more than one company upon the same property, and suit shall be brought upon any of said policies, the defendant shall not be permitted to deny that the property insured was worth the aggregate of the several amounts for which it was insured at the time the policy was issued or renewed thereon, unless willful fraud or misrepresentation is shown on part of the insured in obtaining such additional insurance; and in such suit the measure of damage shall be as provided in section 379.140; provided, that whatever depreciation in value below the amount for which the property is insured may be shown, as provided in section 379.140, shall be deducted from the amount insured in each policy, in the proportion which the amount in each such policy bears to the aggregate of all the amounts so insured on such property.~~

~~2. This and section 379.140 shall apply only to real property insured.~~

~~3. Any condition in any policy of insurance contrary to the provisions of this chapter shall be illegal and void.]~~

Approved July 7, 2021

SS SCS HCS HB 697

Enacts provisions relating to property assessment contracts for energy efficiency.

AN ACT to repeal sections 67.2800, 67.2810, and 67.2815, RSMo, and to enact in lieu thereof eight new sections relating to property assessment contracts for energy efficiency.

SECTION

- A Enacting clause.
- 67.2800 Citation of law — definitions — projects subject to municipal ordinances and regulations.
- 67.2810 Clean energy development boards may be formed, members, powers of board — annual report — limitation on certain legal actions.
- 67.2815 Assessment contract or levy of special assessment, requirements — maximum assessment — assessment to be a lien, when — right of first refusal, when — applicability for PACE program projects.
- 67.2816 PACE program or district creation, joining, or withdrawal — notice to director — boards subject to examination for compliance, procedure — liability.
- 67.2817 Assessment contracts — approval criteria — insurance coverage required, when — notification by board prior to execution, when — website to be maintained.
- 67.2818 Federal law applicability — contracts not entered into, when — disclosure form, contents — board duties prior to execution of contract, verbal confirmation.
- 67.2819 Advertisement of availability of contracts, requirements — prohibited acts of board.
- 67.2840 Effective dates.

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

SECTION A. ENACTING CLAUSE. — Sections 67.2800, 67.2810, and 67.2815, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 67.2800, 67.2810, 67.2815, 67.2816, 67.2817, 67.2818, 67.2819, and 67.2840, to read as follows:

67.2800. CITATION OF LAW — DEFINITIONS — PROJECTS SUBJECT TO MUNICIPAL ORDINANCES AND REGULATIONS. — 1. Sections 67.2800 to ~~[67.2835]~~ **67.2840** shall be known and may be cited as the "Property Assessment Clean Energy Act".

2. As used in sections 67.2800 to ~~[67.2835]~~ **67.2840**, the following words and terms shall mean:

(1) "Assessment contract", a contract entered into between a clean energy development board and a property owner under which the property owner agrees to pay an annual assessment for a period of up to twenty years **not to exceed the weighted average useful life of the qualified improvements** in exchange for financing of an energy efficiency improvement or a renewable energy improvement;

(2) "Authority", the state environmental improvement and energy resources authority established under section 260.010;

(3) "Bond", any bond, note, or similar instrument issued by or on behalf of a clean energy development board;

(4) "Clean energy conduit financing", the financing of energy efficiency improvements or renewable energy improvements for a single parcel of property or a unified development consisting of multiple adjoining parcels of property under section 67.2825;

(5) "Clean energy development board", a board formed by one or more municipalities under section 67.2810;

(6) **"Director", the director of the division of finance within the department of commerce and insurance;**

(7) **"Division", the division of finance within the department of commerce and insurance;**

(8) "Energy efficiency improvement", any acquisition, installation, or modification on or of publicly or privately owned property designed to reduce the energy consumption of such property, including but not limited to:

(a) Insulation in walls, roofs, attics, floors, foundations, and heating and cooling distribution systems;

(b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows and doors, and other window and door improvements designed to reduce energy consumption;

(c) Automatic energy control systems;

(d) Heating, ventilating, or air conditioning distribution system modifications and replacements;

(e) Caulking and weatherstripping;

(f) Replacement or modification of lighting fixtures to increase energy efficiency of the lighting system without increasing the overall illumination of the building unless the increase in illumination is necessary to conform to applicable state or local building codes;

(g) Energy recovery systems; and

(h) Daylighting systems;

~~[(7)]~~ (9) "Municipality", any county, city, or incorporated town or village of this state;

~~[(8)]~~ (10) **"Program administrator", an individual or entity selected by the clean energy development board to administer the PACE program, but this term does not include an employee of a county or municipal government assigned to a clean energy development board or a public employee employed by a clean energy development board who is paid from appropriated general tax revenues;**

(11) "Project", any energy efficiency improvement or renewable energy improvement;

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~~[(9)]~~ (12) "Property assessed clean energy local finance fund", a fund that may be established by the authority for the purpose of making loans to clean energy development boards to establish and maintain property assessed clean energy programs;

~~[(10)]~~ (13) "Property assessed clean energy program" or "PACE program", a program established by a clean energy development board to finance energy efficiency improvements or renewable energy improvements under section 67.2820;

~~[(11)]~~ (14) "Renewable energy improvement", any acquisition and installation of a fixture, product, system, device, or combination thereof on publicly or privately owned property that produces energy from renewable resources, including, but not limited to photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems.

3. All projects undertaken under sections 67.2800 to ~~[67.2835]~~ **67.2840** are subject to the applicable municipality's ordinances and regulations, including but not limited to those ordinances and regulations concerning zoning, subdivision, building, fire safety, and historic or architectural review.

67.2810. CLEAN ENERGY DEVELOPMENT BOARDS MAY BE FORMED, MEMBERS, POWERS OF BOARD — ANNUAL REPORT — LIMITATION ON CERTAIN LEGAL ACTIONS. — 1. One or more municipalities may form clean energy development boards for the purpose of exercising the powers described in sections 67.2800 to ~~[67.2835]~~ **67.2840**. Each clean energy development board shall consist of not less than three members, as set forth in the ordinance or order establishing the clean energy development board. Members shall serve terms as set forth in the ordinance or order establishing the clean energy development board and shall be appointed:

(1) If only one municipality is participating in the clean energy development board, by the chief elected officer of the municipality with the consent of the governing body of the municipality; or

(2) If more than one municipality is participating, in a manner agreed to by all participating municipalities.

2. A clean energy development board shall be a political subdivision of the state and shall have all powers necessary and convenient to carry out and effectuate the provisions of sections 67.2800 to ~~[67.2835]~~ **67.2840**, including but not limited to the following:

(1) To adopt, amend, and repeal bylaws, which are not inconsistent with sections 67.2800 to ~~[67.2835]~~ **67.2840**;

(2) To adopt an official seal;

(3) To sue and be sued;

(4) To make and enter into contracts and other instruments with public and private entities;

(5) To accept grants, guarantees, and donations of property, labor, services, and other things of value from any public or private source;

(6) To employ or contract for such managerial, legal, technical, clerical, accounting, or other assistance it deems advisable;

(7) To levy and collect special assessments under an assessment contract with a property owner and to record such special assessments as a lien on the property;

(8) To borrow money from any public or private source and issue bonds and provide security for the repayment of the same;

(9) To finance a project under an assessment contract;

(10) To collect reasonable fees and charges in connection with making and servicing assessment contracts and in connection with any technical, consultative, or project assistance services offered;

(11) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; provided, however, the limitations on investments provided in this subdivision shall not apply to proceeds acquired from the sale of bonds which are held by a corporate trustee; and

(12) To take whatever actions necessary to participate in and administer a clean energy conduit financing or a property assessed clean energy program.

3. No later than July first of each year, the clean energy development board shall file with each municipality that participated in the formation of the clean energy development board and with the director of the department of natural resources an annual report for the preceding calendar year that includes:

(1) A brief description of each project financed by the clean energy development board during the preceding calendar year, which shall include the physical address of the property, the name or names of the property owner, an itemized list of the costs of the project, and the name of any contractors used to complete the project;

(2) The amount of assessments due and the amount collected during the preceding calendar year;

(3) The amount of clean energy development board administrative costs incurred during the preceding calendar year;

(4) The estimated cumulative energy savings resulting from all energy efficiency improvements financed during the preceding calendar year; and

(5) The estimated cumulative energy produced by all renewable energy improvements financed during the preceding calendar year.

4. No lawsuit to set aside the formation of a clean energy development board or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the effective date of the ordinance or order creating the clean energy development board. No lawsuit to set aside the approval of a project, an assessment contract, or a special assessment levied by a clean energy development board, or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the date that the assessment contract is executed.

67.2815. ASSESSMENT CONTRACT OR LEVY OF SPECIAL ASSESSMENT, REQUIREMENTS — MAXIMUM ASSESSMENT — ASSESSMENT TO BE A LIEN, WHEN — RIGHT OF FIRST REFUSAL, WHEN — APPLICABILITY FOR PACE PROGRAM PROJECTS. — 1. A clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project without making a finding that there are sufficient resources to complete the project and that the estimated economic benefit expected from the project during the financing period is equal to or greater than the cost of the project.

2. An assessment contract shall be executed by the clean energy development board and the benefitted property owner or property owners and shall provide:

(1) A description of the project, including the estimated cost of the project and details on how the project will either reduce energy consumption or create energy from renewable sources;

(2) A mechanism for:

(a) Verifying the final costs of the project upon its completion; and

(b) Ensuring that any amounts advanced or otherwise paid by the clean energy development board toward costs of the project will not exceed the final cost of the project;

(3) An acknowledgment by the property owner that the property owner has received or will receive a special benefit by financing a project through the clean energy development board that equals or exceeds the total assessments due under the assessment contract;

(4) An agreement by the property owner to pay annual special assessments for a period not to exceed twenty years, as specified in the assessment contract;

(5) A statement that the obligations set forth in the assessment contract, including the obligation to pay annual special assessments, are a covenant that shall run with the land and be obligations upon future owners of such property; and

(6) An acknowledgment that no subdivision of property subject to the assessment contract shall be valid unless the assessment contract or an amendment thereof divides the total annual special assessment

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due between the newly subdivided parcels pro rata to the special benefit realized by each subdivided parcel.

3. The total special assessments levied against a property under an assessment contract shall not exceed the sum of the cost of the project, including any required energy audits and inspections, or portion thereof financed through the participation in a property assessed clean energy program or clean energy conduit financing, including the costs of any audits or inspections required by the clean energy development board, plus such administration fees, interest, and other financing costs reasonably required by the clean energy development board.

4. The clean energy development board shall provide a copy of each signed assessment contract to the local [county] assessor and [county] collector **for the county, or city not within a county**, and shall cause a copy of such assessment contract to be recorded in the real estate records of the [county] recorder of deeds **for the county, or city not within a county**.

5. Special assessments agreed to under an assessment contract shall be a lien on the property against which it is assessed on behalf of the applicable clean energy development board from the date that each annual assessment under the assessment contract becomes due. Such special assessments shall be collected by the [county] collector **for the county, or city not within a county**, in the same manner and with the same priority as ad valorem real property taxes, **subject to the provisions of subsection 8 of this section**. Once collected, the [county] collector **for the county, or city not within a county**, shall pay over such special assessment revenues to the clean energy development board in the same manner in which revenues from ad valorem real property taxes are paid to other taxing districts. Such special assessments shall be collected as provided in this subsection from all subsequent property owners, including the state and all political subdivisions thereof, for the term of the assessment contract.

6. Any clean energy development board that contracts for outside administrative services to provide financing origination for a project shall offer the right of first refusal to enter into such a contract to a federally insured depository institution with a physical presence in Missouri upon the same terms and conditions as would otherwise be approved by the clean energy development board. Such right of first refusal shall not be applicable to the origination of any transaction that involves the issuance of bonds by the clean energy development board.

7. **Sections 67.2816, 67.2817, 67.2818, and 67.2819 shall apply only to PACE programs for projects to improve residential properties of four or fewer units. Notwithstanding any provision of law to the contrary, any clean energy development board formed to improve commercial properties, properties owned by non-profit or not-for-profit entities, governmental properties, or non-residential properties in excess of four residential units shall be exempt from the provisions of sections 67.2816, 67.2817, 67.2818, and 67.2819, nor shall such sections apply to the commercial PACE programs and commercial PACE assessment contracts of any clean energy development board engaged in both commercial and residential property programs. Notwithstanding any provision of law to the contrary, any clean energy development board that ceases to finance new projects to improve residential properties of four or fewer units before January 1, 2022, shall be exempt from the provisions of sections 67.2816, 67.2817, 67.2818, and 67.2819.**

67.2816. PACE PROGRAM OR DISTRICT CREATION, JOINING, OR WITHDRAWAL — NOTICE TO DIRECTOR — BOARDS SUBJECT TO EXAMINATION FOR COMPLIANCE, PROCEDURE — LIABILITY. — 1. Municipalities that have created or joined a residential PACE program or district shall inform the director by submitting a copy of the enabling ordinance to the division. Any municipality that withdraws from a residential PACE program or district shall inform the director by submitting a copy of the enabling ordinance for the withdrawal to the division.

2. Clean energy development boards offering residential property programs in the state of Missouri and their program administrator shall be subject to examination by the division for

compliance with the provisions of sections 67.2800 to 67.2840 related to the administration of programs for residential properties.

3. The division shall conduct an examination of each clean energy development board at least once every twenty-four months. The functions, powers, and duties of the director shall include the authority to adopt, promulgate, amend, and repeal rules necessary and proper for the administration of the director's duties under sections 67.2800 to 67.2840, subject to the requirements of sections 361.105 and 536.024.

4. The division shall provide each completed examination of a clean energy development board to the municipality that has joined a residential PACE program operated by such board or district in which such board operates.

5. The clean energy development board and its program administrator or other agents shall be jointly and severally responsible for paying the actual costs of examinations, not to exceed five thousand dollars, which the director shall assess upon the completion of an examination and be credited to the division of finance fund established under section 361.170 and subject to the provisions thereof. The limitation on the division's costs of examination shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce.

67.2817. ASSESSMENT CONTRACTS — APPROVAL CRITERIA — INSURANCE COVERAGE REQUIRED, WHEN — NOTIFICATION BY BOARD PRIOR TO EXECUTION, WHEN — WEBSITE TO BE MAINTAINED. — 1. Notwithstanding any other contractual agreement to the contrary, each assessment contract shall be reviewed, approved, and executed by the clean energy development board and these duties shall not be delegated. Any attempted delegations of these duties shall be void.

2. An assessment contract shall not be approved, executed, submitted, or otherwise presented for recording unless a clean energy development board verifies that the following criteria are satisfied:

- (1) The PACE assessments are assessed in equal annual installments;
- (2) The PACE assessment may be paid in full at any time without prepayment penalty. The pay-off letter shall specify the amount of any fee or charge by a lender or loan service agent to obtain the total balance due. The release of the assessment shall be recorded within thirty days of the receipt of the amounts identified in the pay-off letter;
- (3) The assessment contract shall disclose applicable penalties, interest penalties, or late fees under the contract and describe generally the interest and penalties imposed under chapter 140 relating to the collection of delinquent property taxes;
- (4) The clean energy development board shall provide a separate statement to the owner of the residential property of the penalties or late fees authorized under the assessment contract and of the penalties and interest penalties under chapter 140 for the applicable tax collector as of the date of the assessment contract;
- (5) The clean energy development board has confirmed that the property owner is current on property taxes for the project property;
- (6) The property that shall be subject to the assessment contract has no recorded and outstanding involuntary liens in excess of one thousand dollars;
- (7) The property owner shall not currently be a party to any bankruptcy proceeding where any existing lien holder of the property is named as a creditor;
- (8) The term of the assessment contract shall not exceed the weighted average useful life of the qualified improvements to which the greatest portion of funds disbursed under the assessment contract is attributable, not to exceed twenty years. The clean energy development

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board shall determine useful life for purposes of this subdivision based upon credible third-party standards or certification criteria that have been established by appropriate government agencies or nationally recognized standards and testing organizations;

(9) The property owner is current on all mortgage debt on the subject property and has no more than one late payment during the twelve months immediately preceding the application date on any mortgage debt; and

(10) The clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project without making a finding that there are sufficient resources to complete the project and that the estimated economic benefit expected from the project during the financing period is equal to or greater than the cost of the project.

3. Any assessment contract for a project that, combined with any existing and outstanding indebtedness secured by the benefitted property, results in a loan-to-value ratio between eighty percent and ninety-seven percent of the true value in money, as determined by the assessor pursuant to chapter 137, plus ten percent of such amount, of the benefitted property prior to the project as determined by reference to the assessment records for tax purposes for the most recent completed assessment by the county, or city not within a county, shall include provision of an insurance policy providing coverage for any remaining cost of fulfilling the assessment contract, including any accumulated interest, in the event the property is foreclosed upon, if such product exists. Such insurance policy shall run with the land in the same manner as the other obligations set forth in the assessment contract.

4. The property owner executing the PACE assessment contract shall have a three-day right to cancel the qualifying improvements proposed for financing under the PACE assessment contract. The three-day right to cancel shall expire at midnight of the third business day after a property owner signs the assessment contract. The clean energy development board shall be required to provide a printed form that is presented to the property owner no later than the time of signing of the assessment contract detailing the property owner's right to cancel. An electronic form may be provided if the owner consents electronically to receiving an electronic form.

5. Prior to the execution of an assessment contract, the clean energy development board shall advise the property owner in writing that any delinquent assessment shall be a lien on the property subject to the assessment contract and that the obligations under the PACE assessment contract continue as an obligation against the improved property if the property owner sells or refinances the property and that a purchaser or lender may require that before the owner may sell or refinance the property that the owner may be required to pay the assessment contract in full.

6. Prior to the execution of an assessment contract, the clean energy development board shall advise the property owner in writing that if the property owner pays his or her property taxes and special assessments via a lender or loan servicer's escrow program, the special assessment will cause the owner's monthly escrow requirements to increase and increase the owner's total monthly payment to the lender or the loan servicer. The clean energy development board shall further advise the property owner that if the special assessment results in an escrow shortage that the owner will be required to pay the shortage in a lump-sum payment or catch-up the shortage over twelve months.

7. The clean energy development board, within three days of entering an assessment contract, shall provide any holder of a first mortgage loan a copy of the assessment contract and a statement that includes a brief description of the project, the cost of the project, the annual assessment that will be levied, and the number of annual assessments. Transmittal shall be by United States mail to the holder of the first mortgage loan of record.

8. The clean energy development board shall maintain a public website with current information about the PACE program as the board deems appropriate to inform consumers

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regarding the PACE program. The website shall list approved contractors for the PACE program. The website shall disclose the process for property owners or their successors to request information about the assessment contract, the status of the assessment contract, and for all questions including contract information to obtain a payoff amount for the release of an assessment contract.

9. The clean energy development board, its agents, contractor, or other third party shall not make any representation as to the income tax deductibility of an assessment.

67.2818. FEDERAL LAW APPLICABILITY — CONTRACTS NOT ENTERED INTO, WHEN — DISCLOSURE FORM, CONTENTS — BOARD DUTIES PRIOR TO EXECUTION OF CONTRACT, VERBAL CONFIRMATION. — 1. Any requirements and consumer protections established by federal law and regulations, and any amendments thereto, applicable to property assessed clean energy financing, shall apply to residential assessment contracts made pursuant to sections 67.2800 to 67.2840. Additionally, the clean energy development board shall consider the financial ability of the property owner to repay the assessment contract.

2. The clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project if the cash price of the residential project is more than twenty percent of the true value in money, as determined by the assessor pursuant to chapter 137, plus ten percent of such amount.

3. The clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project if the PACE assessment contract combined with any existing and outstanding indebtedness secured by the property exceeds ninety-seven percent of the true value in money, as determined by the assessor pursuant to chapter 137, plus ten percent of such amount.

4. The clean energy development board shall provide a disclosure form to homeowners that shows the financing terms of the assessment contract including, but not limited to:

(1) The total amount funded and borrowed, including the cost of the installed improvements, the program fees, and capitalized interest, if any;

(2) The annual tax assessment, billing process, and payment due date;

(3) The annual payment amounts;

(4) The term of the assessment;

(5) The fixed rate of interest charged;

(6) The annual percentage rate;

(7) A payment schedule that fully amortizes the amount financed;

(8) The improvements to be installed;

(9) A statement that if the property owner sells or refinances the property that the owner may be required by a mortgage lender or a purchaser to pay off the assessment as a condition of refinancing or sale;

(10) A statement that no penalty shall be assessed or collected for prepayment of the assessment and the specific amount of any fee or charge by a lender or loan servicing agent to obtain the total balance due in a pay-off letter and the recording of a release of the assessment which shall be recorded within thirty days of the receipt of the amount identified in the pay-off letter;

(11) That the PACE annual assessment shall be collected along with property taxes and that any taxes and annual assessment not paid on or before December thirty-first shall result in a lien on the improved property for the unpaid taxes, unpaid annual assessment, interest, and penalties as provided by law;

(12) That if the owner pays property taxes and insurance through his or her mortgage payment and an escrow account, that the special assessment will cause the owner's monthly

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escrow requirements to increase and increase the owner's monthly payment to the lender or the loan servicer and that if the special assessment results in an escrow shortage that the owner shall be required to pay the shortage in a lump-sum payment or catch-up the shortage over twelve months;

(13) That failure to timely pay the annual assessment and taxes will result in a tax lien and penalties and fees being assessed and added to the annual assessment and taxes, and that if the delinquency is not paid, the property could be sold at a tax sale resulting in issuance of a tax certificate or collector's deed to a purchaser that could result in the property owner losing his or her home; and

(14) That the property owner should seek professional tax advice if he or she has questions regarding tax credits related to a PACE project or the tax matters presented by the assessment contract or financing agreement and payments thereunder.

5. The clean energy development board shall be required to present the disclosure form to a property owner for acknowledgment prior to the execution of an assessment contract.

6. Before a property owner executes an assessment contract, the clean energy development board shall do the following:

(1) Make a verbal confirmation that at least one owner of the property has a copy of the assessment contract documents with all the key terms completed, the financing estimate and disclosure form, and the right-to-cancel form with a written copy available upon request; and

(2) Make a verbal confirmation of the key terms of the assessment contract, in plain language, with the property owner, or to the verified authorized representative of the owner, and shall obtain acknowledgment from the property owner or representative to whom the verbal confirmation is given.

7. The verbal confirmation shall include, but is not limited to, all the following information:

(1) The property owner has the right to have other persons present, and an inquiry as to whether the property owner would like to exercise the right to include other individuals. This inquiry shall occur immediately after the determination of the preferred language of communication;

(2) The property owner is informed that he or she should review the assessment contract and financing estimate and disclosure form with all other owners of the property;

(3) The qualified improvement being installed is being financed by an assessment contract;

(4) The total estimated annual costs the property owner will have to pay under the assessment contract, including applicable fees;

(5) The total estimated average monthly amount of funds the property owner would have to save in order to pay the annual costs under the assessment contract, including applicable fees;

(6) The term of the assessment contract;

(7) That payments on the assessment contract shall be made through an additional annual assessment on the property and paid either directly to the county tax collector's office as part of the total annual secured property tax bill or through the property owner's mortgage escrow account, and that if the property owner pays his or her taxes through an escrow account, he or she should notify his or her mortgage lender to discuss adjusting his or her monthly mortgage payment or otherwise providing additional funds to avoid a shortage in the owner's mortgage escrow account;

(8) That the property shall be subject to a lien during the term of the assessment contract for any delinquent assessments;

(9) That before the owner may sell or refinance the property, a purchaser or lender may require the obligation under the assessment contract to be paid in full;

(10) That the clean energy development board, its agents contractor, or other third party does not provide tax advice, and that the property owner should seek professional tax advice if

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he or she has questions regarding tax credits related to the project or the tax matters presented by the PACE assessment or assessment contract; and

(11) The date the first payment shall be due.

67.2819. ADVERTISEMENT OF AVAILABILITY OF CONTRACTS, REQUIREMENTS — PROHIBITED ACTS OF BOARD. — 1. The clean energy development board or its agents shall not permit contractors or other third parties to advertise the availability of residential assessment contracts that are administered by the board, or to solicit property owners on behalf of the board, unless both of the following requirements are met:

(1) The contractor maintains any permits, licenses, or registrations required for engaging in its business in the jurisdiction where it operates and maintains bond and insurance coverage in minimum amounts determined by the clean energy development board or higher amounts as required in the jurisdiction where the contractor is licensed or registered; and

(2) The clean energy development board or its agents obtain the contractor's written agreement that the contractor or third party shall act in accordance with chapter 407 and other applicable advertising and marketing laws and regulations.

2. The clean energy development board or its agents shall not provide any direct or indirect cash payment or other thing of material value to a contractor or third party in excess of the actual price charged by that contractor or third party to the property owner for one or more qualified improvements financed by an assessment contract.

3. The clean energy development board or its agents shall not provide to a contractor engaged in soliciting financing agreements on behalf of the clean energy development board or its agents any information that discloses the maximum amount of funds for which a property owner may be eligible for qualifying improvements or the amount of equity in a property.

4. The clean energy development board or its agents shall not reimburse a contractor or third party for expenses for advertising and marketing campaigns that solely benefit the contractor.

5. The clean energy development board or its agents may reimburse a contractor's bona fide and reasonable training expenses related to PACE financing, provided that:

(1) The training expenses are actually incurred by the contractor; and

(2) The reimbursement is paid directly to the contractor, and is not paid to its salespersons or agents.

6. The clean energy development board or its agents shall not provide any direct cash payment or other thing of value to a property owner explicitly conditioned upon the property owner entering into an assessment contract. Notwithstanding the provisions of this subsection to the contrary, programs or promotions that offer reduced fees or interest rates to property owners are not a direct cash payment or other thing of value, provided that the reduced fee or interest rate is reflected in the assessment contract and in no circumstance provided to the property owner as cash consideration. A contractor shall not provide a different price for a project financed under this section than the contractor would provide if paid in cash by the property owner.

67.2840. EFFECTIVE DATES. — 1. Sections 67.2816, 67.2817, 67.2818, and 67.2819 shall be effective and apply to the residential PACE programs of clean energy development boards and participating municipalities after January 1, 2022.

2. Sections 67.2816, 67.2817, 67.2818, and 67.2819 shall be effective and apply to residential PACE assessment contracts entered into after January 1, 2022.

Approved June 29, 2021

CCS SS SCS HCS HB 734

Enacts provisions relating to utilities.

AN ACT to repeal sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.355, 393.1073, 394.020, 394.120, 394.315, and 400.9-109, RSMo, and to enact in lieu thereof nineteen new sections relating to utilities.

SECTION

- A Enacting clause.
- 67.309 Utility services, political subdivisions barred from prohibiting based on type or source of energy.
- 91.025 Definitions — continuation of existing electrical service — change of supplier — commission jurisdiction — new structure built, effect of.
- 137.123 Wind energy property, true value calculation for assessment purposes — original costs, how determined — enterprise zone agreements allowed.
- 153.030 Bridge and public utility companies, how taxed — annual report — microwave relay stations, apportionment — telephone company, one-time election on assessment, effect of — wind energy project property, how taxed — certain generation project property, how taxed.
- 153.034 Electric companies, distributable and local property, definitions — wind energy projects property, how taxed — generation projects property, how taxed.
- 204.569 Board of trustees, powers in unincorporated sewer subdistrict — additional powers.
- 386.370 Estimate of expenses — assessments against utilities — public service commission fund — statement on gross intrastate operating revenues.
- 386.800 Municipally owned electrical supplier, services outside boundaries prohibited, exceptions — annexation — negotiations, territorial agreements, regulations, procedure — fair and reasonable compensation defined — assignment of sole service territories — commission jurisdiction — rural electric cooperatives, service within municipality, when.
- 386.895 Voluntary program authorized — definitions — rules — filing, contents — automatic rate adjustment, when — report, contents — rulemaking authority — sunset provision.
- 393.106 Definitions — electric power suppliers exclusive right to serve structures, exception — change of suppliers, procedure — purchase of auxillary power — permanent service supplied to nonrural area, when.
- 393.355 Special rate for electrical corporations authorized, when — net margin tracking mechanism — lower rate for facility, when, duration.
- 393.1620 Average and excess method, allocation of costs — limitation on commission consideration for general rates — expiration date.
- 393.1700 Securitized utility tariff bonds, financing order for energy transition costs — definitions — petition, contents, procedure — order issued, contents — requirements — severability clause.
- 393.1705 Replacement resources investment — petition, approval, amount — base determination — deferrals — petition procedure.
- 393.1715 Retirement of generating facilities, ratemaking principles and treatment as applied to base rates, retirement date, useful life, and depreciation — procedure — monitoring — retirement of coal-fixed generating assets in rate base — rulemaking authority.
- 394.020 Definitions.
- 394.120 Qualifications for membership — meetings — rules — board of directors authority on certain matters, expires, when.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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- 394.315 Definitions — rural electric cooperative exclusive right to serve structures, exception — change of suppliers, procedure — new structure built, effect of.
- 400.9-109 Scope.
- 393.1073 Task force established, members, hearings and research — report, contents — meetings — expiration date.

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

SECTION A. ENACTING CLAUSE. — Sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.355, 393.1073, 394.020, 394.120, 394.315, and 400.9-109, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 67.309, 91.025, 137.123, 153.030, 153.034, 204.569, 386.370, 386.800, 386.895, 393.106, 393.355, 393.1620, 393.1700, 393.1705, 393.1715, 394.020, 394.120, 394.315, and 400.9-109, to read as follows:

67.309. UTILITY SERVICES, POLITICAL SUBDIVISIONS BARRED FROM PROHIBITING BASED ON TYPE OR SOURCE OF ENERGY. — **1. No political subdivision of this state, including any referenced in section 386.020, shall adopt an ordinance, resolution, regulation, code, or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer. Nothing in this section shall limit the ability of a political subdivision to choose utility services for properties owned by such political subdivision.**

2. For purposes of this section, utility services shall include natural gas, propane gas, electricity, and any other form of energy provided to an end user customer.

91.025. DEFINITIONS — CONTINUATION OF EXISTING ELECTRICAL SERVICE — CHANGE OF SUPPLIER — COMMISSION JURISDICTION — NEW STRUCTURE BUILT, EFFECT OF. — 1. As used in this section, the following terms mean:

(1) "Municipally owned or operated electric power system", a system for the distribution of electrical power and energy to the inhabitants of a municipality which is owned and operated by the municipality itself, whether operated under authority pursuant to this chapter or under a charter form of government;

(2) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(3) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical corporation, rural electric cooperative, municipally owned or operated electric power system, or joint municipal utility commission. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a municipally owned or operated electrical system, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 or pursuant to a territorial agreement approved under

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section 394.312. The public service commission, upon application made by a customer, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over municipally owned or operated electric systems to accomplish the purpose of this section. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such municipally owned or operated electrical system, and nothing in this section, section 393.106, and section 394.315 shall affect the rights, privileges or duties of any municipality to form or operate municipally owned or operated electrical systems. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred.

3. Notwithstanding the provisions of this section, section 393.106, section 394.080, and section 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

137.123. WIND ENERGY PROPERTY, TRUE VALUE CALCULATION FOR ASSESSMENT PURPOSES — ORIGINAL COSTS, HOW DETERMINED — ENTERPRISE ZONE AGREEMENTS ALLOWED.— 1. Beginning January 1, 2022, for purposes of assessing all real property, excluding land, or tangible personal property associated with a project that uses wind energy directly to generate electricity, thirty-seven and one-half percent of the original costs shall be the true value in money of such property. Such value shall begin the year immediately following the year of construction of the property. The original costs shall reflect either:

(1) The actual and documented original property cost to the taxpayer, as shall be provided by the taxpayer to the assessor; or

(2) In the absence of actual and documented original property cost to the taxpayer, the estimated cost of the property by the assessor, using an authoritative cost guide.

2. Nothing in this section shall be construed to prohibit a project from engaging in enhanced enterprise zone agreements under sections 135.950 to 135.973 or similar tax abatement agreements with state or local officials or to affect any existing enhanced enterprise zone agreements.

153.030. BRIDGE AND PUBLIC UTILITY COMPANIES, HOW TAXED — ANNUAL REPORT — MICROWAVE RELAY STATIONS, APPORTIONMENT — TELEPHONE COMPANY, ONE-TIME ELECTION ON ASSESSMENT, EFFECT OF — WIND ENERGY PROJECT PROPERTY, HOW TAXED — CERTAIN GENERATION PROJECT PROPERTY, HOW TAXED.— 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. And taxes levied thereon shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such companies, the straight line distance between such microwave relay stations shall constitute miles of wire. In the event that any public utility company assessed pursuant to this chapter has no distributable property which physically traverses the counties in which it operates, then the assessed value of the distributable property of such company shall be apportioned to the physical location of the distributable property.

5. (1) Notwithstanding any provision of law to the contrary, beginning January 1, 2019, a telephone company shall make a one-time election within the tax year to be assessed:

(a) Using the methodology for property tax purposes as provided under this section; or

(b) Using the methodology for property tax purposes as provided under this section for property consisting of land and buildings and be assessed for all other property exclusively using the methodology utilized under section 137.122.

If a telephone company begins operations, including a merger of multiple telephone companies, after August 28, 2018, it shall make its one-time election to be assessed using the methodology for property tax purposes as described under paragraph (b) of subdivision (1) of this subsection within the year in which the telephone company begins its operations. A telephone company that fails to make a timely election shall be deemed to have elected to be assessed using the methodology for property tax purposes as provided under subsections 1 to 4 of this section.

(2) The provisions of this subsection shall not be construed to change the original assessment jurisdiction of the state tax commission.

(3) Nothing in subdivision (1) of this subsection shall be construed as applying to any other utility.

(4) (a) The provisions of this subdivision shall ensure that school districts may avoid any fiscal impact as a result of a telephone company being assessed under the provisions of paragraph (b) of subdivision (1) of this subsection. If a school district's current operating levy is below the greater of its most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall comply with section 137.073.

(b) Beginning January 1, 2019, any school district currently operating at a tax rate equal to the greater of the most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that receives less tax revenue from a specific

telephone company under this subsection, on or before January thirty-first of the year following the tax year in which the school district received less revenue from a specific telephone company, may by resolution of the school board impose a fee, as determined under this subsection, in order to obtain such revenue. The resolution shall include all facts that support the imposition of the fee. If the school district receives voter approval to raise its tax rate, the district shall no longer impose the fee authorized in this paragraph.

(c) Any fee imposed under paragraph (b) of this subdivision shall be determined by taking the difference between the tax revenue the telephone company paid in the tax year in question and the tax revenue the telephone company would have paid in such year had it not made an election under subdivision (1) of this subsection, which shall be calculated by taking the telephone company valuations in the tax year in question, as determined by the state tax commission under paragraph (d) of this subdivision, and applying such valuations to the apportionment process in subsection 2 of section 151.150. The school district shall issue a billing, as provided in this subdivision, to any such telephone company. A telephone company shall have forty-five days after receipt of a billing to remit its payment of its portion of the fees to the school district. Notwithstanding any other provision of law, the issuance or receipt of such fee shall not be used:

- a. In determining the amount of state aid that a school district receives under section 163.031;
- b. In determining the amount that may be collected under a property tax levy by such district; or
- c. For any other purpose.

For the purposes of accounting, a telephone company that issues a payment to a school district under this subsection shall treat such payment as a tax.

(d) When establishing the valuation of a telephone company assessed under paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also determine the difference between the assessed value of a telephone company if:

- a. Assessed under paragraph (b) of subdivision (1) of this subsection; and
- b. Assessed exclusively under subsections 1 to 4 of this section.

The state tax commission shall then apportion such amount to each county and provide such information to any school district making a request for such information.

(e) This subsection shall expire when no school district is eligible for a fee.

6. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a project which uses wind energy directly to generate electricity, such wind energy project property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of the law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020, for any public utility company assessed pursuant to this chapter which has a wind energy project, such wind energy project shall be assessed using the methodology for real and personal property as provided in this subsection:

(a) Any wind energy property of such company shall be assessed upon the county assessor's local tax rolls; **and**

(b) ~~Any property consisting of land and buildings related to the wind energy project shall be assessed under chapter 137; and~~

(e)] All other ~~business~~ **real property, excluding land**, or personal property related to the wind energy project shall be assessed using the methodology provided under section ~~[437.122]~~ **137.123**.

7. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be valued and taxed

by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2022, for any public utility company assessed pursuant to this chapter which has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be assessed as follows:

(a) Any property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction shall be assessed upon the county assessor's local tax rolls. The assessor shall rely on the public utility company for cost information of the generation portion of the property as found in the public utility company's Federal Energy Regulatory Commission Financial Report Form Number One at the time of transfer of ownership, and depreciate the costs provided in a manner similar to other commercial and industrial property.

(b) Any property consisting of land and buildings related to the generation property associated with a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed under chapter 137; and

(c) All other business or personal property related to a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed using the methodology provided under section 137.122.

153.034. ELECTRIC COMPANIES, DISTRIBUTABLE AND LOCAL PROPERTY, DEFINITIONS — WIND ENERGY PROJECTS PROPERTY, HOW TAXED — GENERATION PROJECTS PROPERTY, HOW TAXED. — 1. The term "distributable property" of an electric company shall include all the real or tangible personal property which is used directly in the generation and distribution of electric power, but not property used as a collateral facility nor property held for purposes other than generation and distribution of electricity. Such distributable property includes, but is not limited to:

- (1) Boiler plant equipment, turbogenerator units and generators;
- (2) Station equipment;
- (3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;
- (4) Substation equipment and fences;
- (5) Rights-of-way;
- (6) Reactor, reactor plant equipment, and cooling towers;
- (7) Communication equipment used for control of generation and distribution of power;
- (8) Land associated with such distributable property.

2. The term "local property" of an electric company shall include all real and tangible personal property owned, used, leased or otherwise controlled by the electric company not used directly in the generation and distribution of power and not defined in subsection 1 of this section as distributable property. Such local property includes, but is not limited to:

- (1) Motor vehicles;
- (2) Construction work in progress;
- (3) Materials and supplies;
- (4) Office furniture, office equipment, and office fixtures;
- (5) Coal piles and nuclear fuel;
- (6) Land held for future use;
- (7) Workshops, warehouses, office buildings and generating plant structures;
- (8) Communication equipment not used for control of generation and distribution of power;
- (9) Roads, railroads, and bridges;
- (10) Reservoirs, dams, and waterways;

(11) Land associated with other locally assessed property and all generating plant land.

3. (1) Any real or tangible personal property associated with a project which uses wind energy directly to generate electricity shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.

(2) The real or tangible personal property referenced in subdivision (1) of this subsection shall include all equipment whose sole purpose is to support the integration of a wind generation asset into an existing system. Examples of such property may include, but are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated electrical equipment such as inverters, pad mount transformers, power lines, storage equipment directly associated with wind generation assets, and substations.

4. For any real or tangible personal property associated with a generation project which was originally constructed utilizing financing authorized under chapter 100 for construction, upon the transfer of ownership of such property to a public utility, such property shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.

204.569. BOARD OF TRUSTEES, POWERS IN UNINCORPORATED SEWER SUBDISTRICT — ADDITIONAL POWERS. — When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the question~~]~~ **except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer district located in whole or in part in any county of the first classification without a charter form of government adjacent to a county of the first classification with a charter form of government and a population of at least six hundred thousand and not more than seven hundred fifty thousand, bonds may be issued for such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict in a manner consistent with section 204.370, where "customer", as used in this subdivision, means any political subdivision within the subdistrict that has a service or user agreement with the common sewer district.** The principal and interest of such bonds shall be payable only from the revenues of the subdistrict and not from any revenues of the common sewer district as a whole;

(4) To charge the costs of the common sewer district for operation and maintenance attributable to the subdistrict, plus a proportionate share of the common sewer district's costs of administration to

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revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440;

(5) With prior concurrence of the subdistrict's advisory board, to provide for the treatment and disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located within the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate share of the costs of the common sewer district for operation and maintenance to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440.

386.370. ESTIMATE OF EXPENSES — ASSESSMENTS AGAINST UTILITIES — PUBLIC SERVICE COMMISSION FUND — STATEMENT ON GROSS INTRASTATE OPERATING REVENUES.

— 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393 and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group. For purposes of this section, water corporations and sewer corporations will be combined and considered one group of public utilities.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public utilities in such group in proportion to their respective gross intrastate operating revenues during the preceding calendar year, except that the total amount so assessed to all such public utilities shall not exceed ~~[one-fourth]~~ **three hundred fifteen thousandths** of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.

3. The commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as "The Public Service Commission Fund", which fund, or its successor fund created pursuant to section 33.571, shall be devoted solely to the payment of expenditures actually incurred by the commission and attributable to the regulation of such public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the commission in the succeeding fiscal year and shall be applied by the commission to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.

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5. In order to enable the commission to make the allocations and assessments herein provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall file with the commission, within ten days after August 28, 1996, and thereafter on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time aforesaid the commission shall estimate such revenue which estimate shall be binding on such public utility for the purpose of this section.

386.800. MUNICIPALLY OWNED ELECTRICAL SUPPLIER, SERVICES OUTSIDE BOUNDARIES PROHIBITED, EXCEPTIONS — ANNEXATION — NEGOTIATIONS, TERRITORIAL AGREEMENTS, REGULATIONS, PROCEDURE — FAIR AND REASONABLE COMPENSATION DEFINED — ASSIGNMENT OF SOLE SERVICE TERRITORIES — COMMISSION JURISDICTION — RURAL ELECTRIC COOPERATIVES, SERVICE WITHIN MUNICIPALITY, WHEN. — 1. No municipally owned electric utility may provide electric energy at retail to any structure located outside the municipality's corporate boundaries after July 11, 1991, unless:

(1) The structure was lawfully receiving permanent service from the municipally owned electric utility prior to July 11, 1991; or

(2) The service is provided pursuant to an approved territorial agreement under section 394.312; or

(3) The service is provided pursuant to lawful municipal annexation and subject to the provisions of this section; or

(4) The structure is located in an area which was previously served by an electrical corporation regulated under chapter 386, and chapter 393, and the electrical corporation's authorized service territory was contiguous to or inclusive of the municipality's previous corporate boundaries, and the electrical corporation's ownership or operating rights within the area were acquired in total by the municipally owned electrical system prior to July 11, 1991. In the event that a municipally owned electric utility in a city with a population of more than one hundred twenty-five thousand located in a county of the first class not having a charter form of government and not adjacent to any other county of the first class desires to serve customers beyond the authorized service territory in an area which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as provided in this subdivision, **in the absence of an approved territorial agreement under section 394.312, the municipally owned utility shall apply to the public service commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located in or within one mile outside of the boundaries of the proposed expanded service territory.** The proposed service area shall be contiguous to the authorized service territory which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as a condition precedent to the granting of the application. The commission shall have one hundred twenty days from the date of application to grant or deny the requested order. The commission **after a hearing** may grant the order upon a finding that granting of the applicant's request is not detrimental to the public interest. In granting the applicant's request the commission shall give due regard to territories previously granted to **or served by other electric service suppliers and the wasteful duplication of electric service facilities.**

2. Any municipally owned electric utility may extend, pursuant to lawful annexation, its electric service territory to include ~~any structure located within a newly annexed area which has not received permanent service from another supplier within ninety days prior to the effective date of the annexation~~ **areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities with adequate and necessary service capability located in or within one mile outside the boundaries of the area proposed to be annexed, a majority of the existing developers, landowners, or prospective electric customers in**

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the area proposed to be annexed may, anytime within forty-five days prior to the effective date of the annexation, submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations under section 394.312 to determine which electric service supplier is best suited to serve all or portions of the newly annexed area. In such negotiations the following factors shall be considered, at a minimum:

- (1) The preference of landowners and prospective electric customers;
- (2) The rates, terms, and conditions of service of the electric service suppliers;
- (3) The economic impact on the electric service suppliers;
- (4) Each electric service supplier's operational ability to serve all or portions of the annexed area within three years of the date the annexation becomes effective;
- (5) Avoiding the wasteful duplication of electric facilities;
- (6) Minimizing unnecessary encumbrances on the property and landscape within the area to be annexed; and
- (7) Preventing the waste of materials and natural resources.

If the municipally owned electric utility and rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then they may submit proposals to those submitting the original written request, whose preference shall control, section 394.080 to the contrary notwithstanding, and the governing body of the annexing municipality shall not reject the petition requesting annexation based on such preference. This subsection shall not apply to municipally-owned property in any newly annexed area.

3. In the event an electrical corporation rather than a municipally owned electric utility lawfully is providing electric service in the municipality, all the provisions of subsection 2 of this section shall apply equally as if the electrical corporation were a municipally owned electric utility, except that if the electrical corporation and the rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then either electric service supplier may file an application with the commission for an order determining which electric service supplier should serve, in whole or in part, the area to be annexed. The application shall be made pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. The commission after the opportunity for hearing shall make its determination after consideration of the factors set forth in subdivisions (1) through (7) of subsection 2 of this section, and section 394.080 to the contrary notwithstanding, may grant its order upon a finding that granting of the applicant's request is not detrimental to the public interest. The commission shall issue its decision by report and order no later than one hundred twenty days from the date of the application unless otherwise ordered by the commission for good cause shown. Review of such commission decisions shall be governed by sections 386.500 to 386.550. If the applicant is a rural electric cooperative, the commission shall charge to the rural electric cooperative the appropriate fees as set forth in subsection 9 of this section.

~~3-~~ 4. When a municipally owned electric utility desires to extend its service territory to include any structure located within a newly annexed area which has received permanent service from another **electric service** supplier within ninety days prior to the effective date of the annexation, it shall:

- (1) Notify by publication in a newspaper of general circulation the record owner of said structure, and notify in writing any affected electric **service** supplier and the public service commission, within sixty days after the effective date of the annexation its desire to extend its service territory to include said structure; and
- (2) Within six months after the effective date of the annexation receive the approval of the municipality's governing body to begin negotiations pursuant to section 394.312 with ~~any~~ **the** affected electric **service** supplier.

[4.] 5. Upon receiving approval from the municipality's governing body pursuant to subsection [3] 4 of this section, the municipally owned electric utility and the affected electric **service** supplier shall meet and negotiate in good faith the terms of the territorial agreement and any transfers or acquisitions, including, as an alternative, granting the affected electric **service** supplier a franchise or authority to continue providing service in the annexed area. In the event that the affected electric **service** supplier does not provide wholesale electric power to the municipality, if the affected electric **service** supplier so desires, the parties ~~shall~~ **may** also negotiate, consistent with applicable law, regulations and existing power supply agreements, for power contracts which would provide for the purchase of power by the municipality from the affected electric **service** supplier for an amount of power equivalent to the loss of any sales to customers receiving permanent service at structures within the annexed areas which are being sought by the municipally owned electric utility. The parties shall have no more than one hundred eighty days from the date of receiving approval from the municipality's governing body within which to conclude their negotiations and file their territorial agreement with the commission for approval under the provisions of section 394.312. The time period for negotiations allowed under this subsection may be extended for a period not to exceed one hundred eighty days by a mutual agreement of the parties and a written request with the public service commission.

[5.] 6. For purposes of this section, the term "fair and reasonable compensation" shall mean the following:

(1) The present-day reproduction cost, new, of the properties and facilities serving the annexed areas, less depreciation computed on a straight-line basis; and

(2) An amount equal to the reasonable and prudent cost of detaching the facilities in the annexed areas and the reasonable and prudent cost of constructing any necessary facilities to reintegrate the system of the affected electric **service** supplier outside the annexed area after detaching the portion to be transferred to the municipally owned electric utility; and

(3) ~~Four~~ **Two** hundred percent of gross revenues less gross receipts taxes received by the affected electric **service** supplier from the twelve-month period preceding the approval of the municipality's governing body under the provisions of subdivision (2) of subsection [3] 4 of this section, normalized to produce a representative usage from customers at the subject structures in the annexed area; and

(4) Any federal, state and local taxes which may be incurred as a result of the transaction, including the recapture of any deduction or credit; and

(5) Any other costs reasonably incurred by the affected electric supplier in connection with the transaction.

[6.] 7. In the event the parties are unable to reach an agreement under subsection [4] 5 of this section, within sixty days after the expiration of the time specified for negotiations, the municipally owned electric utility **or the affected electric service supplier** may apply to the commission for an order assigning exclusive service territories within the annexed area and a determination of the fair and reasonable compensation amount to be paid to the affected electric **service** supplier under subsection [5] 6 of this section. Applications shall be made and notice of such filing shall be given to all affected parties pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. Unless otherwise ordered by the commission for good cause shown, the commission shall rule on such applications not later than one hundred twenty days after the application is properly filed with the secretary of the commission. The commission shall hold evidentiary hearings to assign service territory between **the** affected electric **service** suppliers inside the annexed area and to determine the amount of compensation due any affected electric **service** supplier for the transfer of plant, facilities or associated lost revenues between electric **service** suppliers in the annexed area. The commission shall make such determinations based on findings of what best serves the public interest and shall issue its decision by report and order. Review of such commission decisions shall be governed by sections 386.500 to 386.550. The payment of compensation and transfer of title

and operation of the facilities shall occur within ninety days after the order and any appeal therefrom becomes final unless the order provides otherwise.

[7-] **8.** In reaching its decision under subsection [6] 7 of this section, the commission shall consider the following factors:

(1) Whether the acquisition or transfers sought by the municipally owned electric utility within the annexed area from the affected electric **service** supplier are, in total, in the public interest, including **the preference of the owner of any affected structure**, consideration of rate disparities between the competing electric **service** suppliers, and issues of unjust rate discrimination among customers of a single electric **service** supplier if the rates to be charged in the annexed areas are lower than those charged to other system customers; and

(2) The fair and reasonable compensation to be paid by the municipally owned electric utility, to the affected electric **service** supplier with existing system operations within the annexed area, for any proposed acquisitions or transfers; and

(3) Any effect on system operation, including, but not limited to, loss of load and loss of revenue; and

(4) Any other issues upon which the municipally owned electric utility and the affected electric **service** supplier might otherwise agree, including, but not limited to, the valuation formulas and factors contained in subsections [4, ~~5 and 6~~] **5, 6, and 7**, of this section, even if the parties could not voluntarily reach an agreement thereon under those subsections.

[8-] **9.** The commission is hereby given all necessary jurisdiction over municipally owned electric utilities and rural electric cooperatives to carry out the purposes of this section consistent with other applicable law; provided, however, the commission shall not have jurisdiction to compel the transfer of customers or structures with a connected load greater than one thousand kilowatts. The commission shall by rule set appropriate fees to be charged on a case-by-case basis to municipally owned electric utilities and rural electric cooperatives to cover all necessary costs incurred by the commission in carrying out its duties under this section. **Nothing in this section shall be construed as otherwise conferring upon the public service commission jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally owned electric utility, except as provided in this section.**

10. Notwithstanding sections 394.020 and 394.080 to the contrary, a rural electric cooperative may provide electric service within the corporate boundaries of a municipality if such service is provided:

(1) Pursuant to subsections 2 through 9 of this section; and

(2) Such service is conditioned upon the execution of the appropriate territorial and municipal franchise agreements, which may include a nondiscriminatory requirement, consistent with other applicable law, that the rural electric cooperative collect and remit a sales tax based on the amount of electricity sold by the rural electric cooperative within the municipality.

386.895. VOLUNTARY PROGRAM AUTHORIZED — DEFINITIONS — RULES — FILING, CONTENTS — AUTOMATIC RATE ADJUSTMENT, WHEN — REPORT, CONTENTS — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. As used in this section, the following terms shall mean:

(1) "Biogas", a mixture of carbon dioxide and hydrocarbons, primarily methane gas, released from the biological decomposition of organic materials;

(2) "Biomass", has the meaning given the term "qualified biomass" in section 142.028;

(3) "Gas corporation", the same as defined in section 386.020;

(4) "Qualified investment", any capital investment in renewable natural gas infrastructure incurred by a gas corporation for the purpose of providing natural gas service under a renewable natural gas program;

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(5) "Renewable energy sources", hydroelectric, geothermal, solar photovoltaic, wind, tidal, wave, biomass, or biogas energy sources;

(6) "Renewable natural gas", any of the following products processed to meet pipeline quality standards or transportation fuel grade requirements:

(a) Biogas that is upgraded to meet natural gas pipeline quality standards such that it may blend with, or substitute for, geologic natural gas;

(b) Hydrogen gas; or

(c) Methane gas derived from any combination of:

a. Biogas;

b. Hydrogen gas or carbon oxides derived from renewable energy sources; or

c. Waste carbon dioxide;

(7) "Renewable natural gas infrastructure", all equipment and facilities for the production, processing, pipeline interconnection, and distribution of renewable natural gas to be furnished to Missouri customers.

2. The commission shall adopt rules for gas corporations to offer a voluntary renewable natural gas program. Rules adopted by the commission under this section shall include:

(1) Rules for reporting requirements; and

(2) Rules for establishing a process for gas corporations to fully recover incurred costs that are prudent, just, and reasonable associated with a renewable natural gas program. Such recovery shall not be permitted until the project is operational and produces renewable natural gas for customer use.

3. A filing by a gas corporation pursuant to the renewable natural gas program created in subsection 2 of this section shall include, but is not limited to:

(1) A proposal to procure a total volume of renewable natural gas over a specific period; and

(2) Identification of the qualified investments that the gas corporation may make in renewable natural gas infrastructure.

4. A gas corporation may from time to time revise the filing submitted to the commission under this section no more than one time per year.

5. Any costs incurred by a gas corporation for a qualified investment that are prudent, just, and reasonable may be recovered by means of an automatic rate adjustment clause.

6. When a gas corporation makes a qualified investment in the production of renewable natural gas, the costs associated with such qualified investment shall include the cost of capital established by the commission in the gas corporation's most recent general rate case.

7. On or before January 1, 2023, the division of energy within the department of natural resources shall provide to the chair of the public service commission, the speaker of the house of representatives, the president pro tempore of the senate, the chair of the senate committee on commerce, consumer protection, energy, and the environment, and the chair of the house of representatives utility committee, a report on the renewable natural gas program established under this section. Such report shall include, but not be limited to, the following:

(1) The number of projects submitted for the renewable natural gas program and the number of projects approved for the renewable natural gas program;

(2) The number of projects that are operational, and the costs, projected and actual, of such projects and other key metrics the division of energy deems important;

(3) The volume of renewable natural gas produced in the state through projects that were approved by the renewable natural gas program as well as the percentage of renewable natural gas produced in relation to the total volume of natural gas sold in the state;

(4) The environmental benefits of renewable natural gas, including but not limited to greenhouse gas reduction as a result of the production of renewable natural gas;

(5) The economic benefits of the renewable natural gas program, including but not limited to local employment, value-added production for the agricultural sector, and other economic development; and

(6) Any economic benefits or other costs to ratepayers.

8. Rules adopted by the commission under this section shall not prohibit an affiliate of a gas corporation from making a capital investment in a biogas production project if the affiliate is not a public utility as defined in section 386.020.

9. The public service commission may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

10. Pursuant to section 23.253 of the Missouri sunset act, this section and any rules enacted under this section shall expire nine years from the date the renewable natural gas program is established, unless reauthorized by the general assembly; provided that any rate adjustment authorized by this section shall continue so long as the renewable natural gas program remains in operation and produces renewable natural gas for customer use.

393.106. DEFINITIONS — ELECTRIC POWER SUPPLIERS EXCLUSIVE RIGHT TO SERVE STRUCTURES, EXCEPTION — CHANGE OF SUPPLIERS, PROCEDURE — PURCHASE OF AUXILLARY POWER — PERMANENT SERVICE SUPPLIED TO NONRURAL AREA, WHEN. — 1. As used in this section, the following terms mean:

(1) "Auxiliary power", the energy used to operate equipment and other load that is directly related to the production of energy by an independent power producer or electrical corporation, obtained through generation at the site or through adjacent transformation and transmission interconnect, but does not include energy used for space heating, lighting, air conditioning, office needs of buildings, and other non-generating uses at the generation site;

(2) "Independent power producer" or "IPP", an entity that is also considered a non-utility power producer in the United States. IPPs are wholesale electricity producers that operate within the franchised service territories of host utilities and are usually authorized to sell at market-based rates. Unlike traditional electric utilities, IPPs do not possess transmission facilities or sell electricity in the retail market;

(3) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

~~(2)~~ (4) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once an electrical corporation or joint municipal utility commission, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities,

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it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing contained herein shall affect the rights, privileges or duties of existing corporations pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of subsection 2 of this section or any other provision of chapters 386 or 394 to the contrary, auxiliary power may be purchased on a wholesale basis, under the applicable federal tariffs of a regional transmission organization instead of under retail service tariffs filed with the public service commission by an electrical corporation, for use at an electric generation facility located in any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants which commenced commercial operations prior to August 28, 2021, and which is operated as an independent power producer.

4. Notwithstanding the provisions of this section, section 91.025, section 394.080, and section 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

393.355. SPECIAL RATE FOR ELECTRICAL CORPORATIONS AUTHORIZED, WHEN — NET MARGIN TRACKING MECHANISM — LOWER RATE FOR FACILITY, WHEN, DURATION. — 1. As used in this section, the following terms shall mean:

- (1) "Electrical corporation", the same meaning given to the term in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;
- (2) "Facility", a:
 - (a) Facility whose primary industry is the **[smelting] processing of [aluminum and] primary metals**~~[- Standard Industrial Classification Code 3334]~~;
 - (b) Facility whose primary industry is the production or fabrication of steel, North American Industrial Classification System 331110; or
 - (c) Facility with a new or incremental increase in load equal to or in excess of a monthly demand of fifty megawatts.

2. Notwithstanding section 393.130 or any other provision of law to the contrary, the public service commission shall have the authority to approve a special rate, outside a general rate proceeding, that is not based on the electrical corporation's cost of service for a facility if:

- (1) The commission determines, but for the authorization of the special rate the facility would not commence operations, the special rate is in the interest of the state of Missouri when considering the interests of the customers of the electrical corporation serving the facility, considering the incremental cost of serving the facility to receive the special rate, and the interests of the citizens of the state generally

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in promoting economic development, improving the tax base, providing employment opportunities in the state, and promoting such other benefits to the state as the commission may determine are created by approval of the special rate;

(2) After approval of the special rate, the commission allocates in each general rate proceeding of the electrical corporation serving the facility the reduced revenues from the special rate as compared to the revenues that would have been generated at the rate the facility would have paid without the special rate to the electrical corporation's other customers through a uniform percentage adjustment to all components of the base rates of all customer classes; and

(3) The commission approves a tracking mechanism meeting the requirements of subsection 3 of this section.

3. Any commission order approving a special rate authorized by this section to provide service to a facility in the manner specified under subsection 4 of this section shall establish, as part of the commission's approval of a special rate, a tracking mechanism to track changes in the net margin experienced by the electrical corporation serving the facility with the tracker to apply retroactively to the date the electrical corporation's base rates were last set in its last general rate proceeding concluded prior to June 14, 2017. The commission shall ensure that the changes in net margin experienced by the electrical corporation between the general rate proceedings as a result of serving the facility are calculated in such a manner that the electrical corporation's net income is neither increased nor decreased. The changes in net margin shall be deferred to a regulatory liability or regulatory asset, as applicable, with the balance of such regulatory asset or liability to be included in the revenue requirement of the electrical corporation in each of its general rate proceedings through an amortization of the balance over a reasonable period until fully returned to or collected from the electrical corporation's customers.

4. Notwithstanding the provisions of section 393.170, an electrical corporation is authorized to provide electric service to a facility at a special rate for the new or incremental load authorized by the commission:

(1) Under a rate schedule reflecting the special rate approved by the commission; or

(2) If the facility is located outside the electrical corporation's certificated service territory, the facility shall be treated as if it is in the electrical corporation's certified service territory, subject to a commission-approved rate schedule incorporating the special rate under the contract.

5. To receive a special rate, the electrical corporation serving the facility, or facility if the facility is located outside of the electrical corporation's certified service territory, shall file a written application with the commission specifying the requested special rate and any terms or conditions proposed by the facility respecting the requested special rate and provide information regarding how the requested special rate meets the criteria specified in subdivision (1) of subsection 2 of this section. A special rate provided for by this section shall be effective for no longer than ten years from the date such special rate is authorized. The commission may impose such conditions, including but not limited to any conditions in a memorandum of understanding between the facility and the electrical corporation, on the special rate as it deems appropriate so long as it otherwise complies with the provisions of this section.

6. Any entity which has been granted a special rate under this section may reapply to the commission for a special rate under this section.

393.1620. AVERAGE AND EXCESS METHOD, ALLOCATION OF COSTS — LIMITATION ON COMMISSION CONSIDERATION FOR GENERAL RATES — EXPIRATION DATE. — 1. For the purposes of this section, the following terms shall mean:

(1) "Average and excess method", a method for allocation of production plant costs using factors that consider the classes' average demands and excess demands, determined by subtracting the average demands from the non-coincident peak demands, for the four months with the highest system peak loads. The production plant costs are allocated using the class

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average and excess demands proportionally based on the system load factor, where the system load factor determines the percentage of production plant costs allocated using the average demands, and the remainder of production plant costs are allocated using the excess demands;

(2) "Class cost of service study", a study designed to allocate a utility's costs to each customer class on the basis of which customer class causes the costs;

(3) "Commission", the Missouri public service commission;

(4) "Electrical corporation", the same as defined in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;

(5) "Production plant costs", fixed costs reflected on the electrical corporation's accounting books for the applicable test period, as updated or trued-up, associated with the production or purchase of electricity.

2. In determining the allocation of an electrical corporation's total revenue requirement in a general rate case, the commission shall only consider class cost of service study results that allocate the electrical corporation's production plant costs from nuclear and fossil generating units using the average and excess method or one of the methods of assignment or allocation contained within the National Association of Regulatory Utility Commissioners 1992 manual or subsequent manual.

3. This section shall expire on August 28, 2031.

393.1700. SECURITIZED UTILITY TARIFF BONDS, FINANCING ORDER FOR ENERGY TRANSITION COSTS — DEFINITIONS — PETITION, CONTENTS, PROCEDURE — ORDER ISSUED, CONTENTS — REQUIREMENTS — SEVERABILITY CLAUSE. — 1. For purposes of sections 393.1700 to 393.1715, the following terms shall mean:

(1) "Ancillary agreement", a bond, insurance policy, letter of credit, reserve account, surety bond, interest rate lock or swap arrangement, hedging arrangement, liquidity or credit support arrangement, or other financial arrangement entered into in connection with securitized utility tariff bonds;

(2) "Assignee", a legally recognized entity to which an electrical corporation assigns, sells, or transfers, other than as security, all or a portion of its interest in or right to securitized utility tariff property. The term includes a corporation, limited liability company, general partnership or limited partnership, public authority, trust, financing entity, or any entity to which an assignee assigns, sells, or transfers, other than as security, its interest in or right to securitized utility tariff property;

(3) "Bondholder", a person who holds a securitized utility tariff bond;

(4) "Code", the uniform commercial code, chapter 400;

(5) "Commission", the Missouri public service commission;

(6) "Electrical corporation", the same as defined in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;

(7) "Energy transition costs", include all of the following:

(a) Pretax costs with respect to a retired or abandoned or to be retired or abandoned electric generating facility that is the subject of a petition for a financing order filed under this section where such early retirement or abandonment is deemed reasonable and prudent by the commission through a final order issued by the commission, include, but are not limited to, the undepreciated investment in the retired or abandoned or to be retired or abandoned electric generating facility and any facilities ancillary thereto or used in conjunction therewith, costs of decommissioning and restoring the site of the electric generating facility, other applicable capital and operating costs, accrued carrying charges, and deferred expenses, with the foregoing to be reduced by applicable tax benefits of accumulated and excess deferred income taxes, insurance, scrap and salvage proceeds, and may include the cost of retiring any existing indebtedness, fees,

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costs, and expenses to modify existing debt agreements or for waivers or consents related to existing debt agreements;

(b) Pretax costs that an electrical corporation has previously incurred related to the retirement or abandonment of such an electric generating facility occurring before August 28, 2021;

(8) "Financing costs", includes all of the following:

(a) Interest and acquisition, defeasance, or redemption premiums payable on securitized utility tariff bonds;

(b) Any payment required under an ancillary agreement and any amount required to fund or replenish a reserve account or other accounts established under the terms of any indenture, ancillary agreement, or other financing documents pertaining to securitized utility tariff bonds;

(c) Any other cost related to issuing, supporting, repaying, refunding, and servicing securitized utility tariff bonds, including servicing fees, accounting and auditing fees, trustee fees, legal fees, consulting fees, structuring adviser fees, administrative fees, placement and underwriting fees, independent director and manager fees, capitalized interest, rating agency fees, stock exchange listing and compliance fees, security registration fees, filing fees, information technology programming costs, and any other costs necessary to otherwise ensure the timely payment of securitized utility tariff bonds or other amounts or charges payable in connection with the bonds, including costs related to obtaining the financing order;

(d) Any taxes and license fees or other fees imposed on the revenues generated from the collection of the securitized utility tariff charge or otherwise resulting from the collection of securitized utility tariff charges, in any such case whether paid, payable, or accrued;

(e) Any state and local taxes, franchise, gross receipts, and other taxes or similar charges, including commission assessment fees, whether paid, payable, or accrued;

(f) Any costs associated with performance of the commission's responsibilities under this section in connection with approving, approving subject to conditions, or rejecting a petition for a financing order, and in performing its duties in connection with the issuance advice letter process, including costs to retain counsel, one or more financial advisors, or other consultants as deemed appropriate by the commission and paid pursuant to this section;

(9) "Financing order", an order from the commission that authorizes the issuance of securitized utility tariff bonds; the imposition, collection, and periodic adjustments of a securitized utility tariff charge; the creation of securitized utility tariff property; and the sale, assignment, or transfer of securitized utility tariff property to an assignee;

(10) "Financing party", bondholders and trustees, collateral agents, any party under an ancillary agreement, or any other person acting for the benefit of bondholders;

(11) "Financing statement", the same as defined in article 9 of the code;

(12) "Pledgee", a financing party to which an electrical corporation or its successors or assignees mortgages, negotiates, pledges, or creates a security interest or lien on all or any portion of its interest in or right to securitized utility tariff property;

(13) "Qualified extraordinary costs", costs incurred prudently before, on, or after August 28, 2021, of an extraordinary nature which would cause extreme customer rate impacts if reflected in retail customer rates recovered through customary ratemaking, such as but not limited to those related to purchases of fuel or power, inclusive of carrying charges, during anomalous weather events;

(14) "Rate base cutoff date", the same as defined in subdivision (4) of subsection 1 of section 393.1400 as such term existed on August 28, 2021;

(15) "Securitized utility tariff bonds", bonds, debentures, notes, certificates of participation, certificates of beneficial interest, certificates of ownership, or other evidences of indebtedness or ownership that are issued by an electrical corporation or an assignee pursuant to a financing

order, the proceeds of which are used directly or indirectly to recover, finance, or refinance commission-approved securitized utility tariff costs and financing costs, and that are secured by or payable from securitized utility tariff property. If certificates of participation or ownership are issued, references in this section to principal, interest, or premium shall be construed to refer to comparable amounts under those certificates;

(16) "Securitized utility tariff charge", the amounts authorized by the commission to repay, finance, or refinance securitized utility tariff costs and financing costs and that are, except as otherwise provided for in this section, nonbypassable charges imposed on and part of all retail customer bills, collected by an electrical corporation or its successors or assignees, or a collection agent, in full, separate and apart from the electrical corporation's base rates, and paid by all existing or future retail customers receiving electrical service from the electrical corporation or its successors or assignees under commission-approved rate schedules, except for customers receiving electrical service under special contracts as of August 28, 2021, even if a retail customer elects to purchase electricity from an alternative electricity supplier following a fundamental change in regulation of public utilities in this state;

(17) "Securitized utility tariff costs", either energy transition costs or qualified extraordinary costs as the case may be;

(18) "Securitized utility tariff property", all of the following:

(a) All rights and interests of an electrical corporation or successor or assignee of the electrical corporation under a financing order, including the right to impose, bill, charge, collect, and receive securitized utility tariff charges authorized under the financing order and to obtain periodic adjustments to such charges as provided in the financing order;

(b) All revenues, collections, claims, rights to payments, payments, money, or proceeds arising from the rights and interests specified in the financing order, regardless of whether such revenues, collections, claims, rights to payment, payments, money, or proceeds are imposed, billed, received, collected, or maintained together with or commingled with other revenues, collections, rights to payment, payments, money, or proceeds;

(19) "Special contract", electrical service provided under the terms of a special incremental load rate schedule at a fixed price rate approved by the commission.

2. (1) An electrical corporation may petition the commission for a financing order to finance energy transition costs through an issuance of securitized utility tariff bonds. The petition shall include all of the following:

(a) A description of the electric generating facility or facilities that the electrical corporation has retired or abandoned, or proposes to retire or abandon, prior to the date that all undepreciated investment relating thereto has been recovered through rates and the reasons for undertaking such early retirement or abandonment, or if the electrical corporation is subject to a separate commission order or proceeding relating to such retirement or abandonment as contemplated by subdivision (2) of this subsection, and a description of the order or other proceeding;

(b) The energy transition costs;

(c) An indicator of whether the electrical corporation proposes to finance all or a portion of the energy transition costs using securitized utility tariff bonds. If the electrical corporation proposes to finance a portion of the costs, the electrical corporation shall identify the specific portion in the petition. By electing not to finance all or any portion of such energy transition costs using securitized utility tariff bonds, an electrical corporation shall not be deemed to waive its right to recover such costs pursuant to a separate proceeding with the commission;

(d) An estimate of the financing costs related to the securitized utility tariff bonds;

(e) An estimate of the securitized utility tariff charges necessary to recover the securitized utility tariff costs and financing costs and the period for recovery of such costs;

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(f) A comparison between the net present value of the costs to customers that are estimated to result from the issuance of securitized utility tariff bonds and the costs that would result from the application of the traditional method of financing and recovering the undepreciated investment of facilities that may become securitized utility tariff costs from customers. The comparison should demonstrate that the issuance of securitized utility tariff bonds and the imposition of securitized utility tariff charges are expected to provide quantifiable net present value benefits to customers;

(g) A proposed future ratemaking process to reconcile any differences between securitized utility tariff costs financed by securitized utility tariff bonds and the final securitized costs incurred by the electrical corporation or assignee provided that any such reconciliation shall not affect the amount of securitized utility tariff bonds or the associated securitized utility tariff charges paid by customers; and

(h) Direct testimony supporting the petition.

(2) An electrical corporation may petition the commission for a financing order to finance qualified extraordinary costs. The petition shall include all of the following:

(a) A description of the qualified extraordinary costs, including their magnitude, the reasons those costs were incurred by the electrical corporation and the retail customer rate impact that would result from customary ratemaking treatment of such costs;

(b) An indicator of whether the electrical corporation proposes to finance all or a portion of the qualified extraordinary costs using securitized utility tariff bonds. If the electrical corporation proposes to finance a portion of the costs, the electrical corporation shall identify the specific portion in the petition. By electing not to finance all or any portion of such qualified extraordinary costs using securitized utility tariff bonds, an electrical corporation shall not be deemed to waive its right to reflect such costs in its retail rates pursuant to a separate proceeding with the commission;

(c) An estimate of the financing costs related to the securitized utility tariff bonds;

(d) An estimate of the securitized utility tariff charges necessary to recover the qualified extraordinary costs and financing costs and the period for recovery of such costs;

(e) A comparison between the net present value of the costs to customers that are estimated to result from the issuance of securitized utility tariff bonds and the costs that would result from the application of the customary method of financing and reflecting the qualified extraordinary costs in retail customer rates. The comparison should demonstrate that the issuance of securitized utility tariff bonds and the imposition of securitized utility tariff charges are expected to provide quantifiable net present value benefits to retail customers;

(f) A proposed future ratemaking process to reconcile any differences between securitized utility tariff costs financed by securitized utility tariff bonds and the final securitized costs incurred by the electrical corporation or assignee provided that any such reconciliation shall not affect the amount of securitized utility tariff bonds or the associated securitized utility tariff charges paid by customers; and

(g) Direct testimony supporting the petition.

(3) (a) Proceedings on a petition submitted pursuant to this subsection begin with the petition by an electrical corporation and shall be disposed of in accordance with the requirements of this section and the rules of the commission, except as follows:

a. The commission shall establish a procedural schedule that permits a commission decision no later than two hundred fifteen days after the date the petition is filed;

b. No later than two hundred fifteen days after the date the petition is filed, the commission shall issue a financing order approving the petition, an order approving the petition subject to conditions, or an order rejecting the petition; provided, however, that the electrical corporation

shall provide notice of intent to file a petition for a financing order to the commission no less than sixty days in advance of such filing;

c. Judicial review of a financing order may be had only in accordance with sections 386.500 and 386.510.

(b) In performing its responsibilities under this section in approving, approving subject to conditions, or rejecting a petition for a financing order, the commission may retain counsel, one or more financial advisors, or other consultants as it deems appropriate. Such outside counsel, advisor or advisors, or consultants shall owe a duty of loyalty solely to the commission and shall have no interest in the proposed securitized utility tariff bonds. The costs associated with any such engagements shall be paid by the petitioning corporation and shall be included as financed costs in the securitized utility tariff charge and shall not be an obligation of the state and shall be assigned solely to the subject transaction.

(c) A financing order issued by the commission, after a hearing, to an electrical corporation shall include all of the following elements:

a. The amount of securitized utility tariff costs to be financed using securitized utility tariff bonds and a finding that recovery of such costs is just and reasonable and in the public interest. The commission shall describe and estimate the amount of financing costs that may be recovered through securitized utility tariff charges and specify the period over which securitized utility tariff costs and financing costs may be recovered;

b. A finding that the proposed issuance of securitized utility tariff bonds and the imposition and collection of a securitized utility tariff charge are just and reasonable and in the public interest and are expected to provide quantifiable net present value benefits to customers as compared to recovery of the components of securitized utility tariff costs that would have been incurred absent the issuance of securitized utility tariff bonds. Notwithstanding any provisions of this section to the contrary, in considering whether to find the proposed issuance of securitized utility tariff bonds and the imposition and collection of a securitized utility tariff charge are just and reasonable and in the public interest, the commission may consider previous instances where it has issued financing orders to the petitioning electrical corporation and such electrical corporation has previously issued securitized utility tariff bonds;

c. A finding that the proposed structuring and pricing of the securitized utility tariff bonds are reasonably expected to result in the lowest securitized utility tariff charges consistent with market conditions at the time the securitized utility tariff bonds are priced and the terms of the financing order;

d. A requirement that, for so long as the securitized utility tariff bonds are outstanding and until all financing costs have been paid in full, the imposition and collection of securitized utility tariff charges authorized under a financing order shall be nonbypassable and paid by all existing and future retail customers receiving electrical service from the electrical corporation or its successors or assignees under commission-approved rate schedules except for customers receiving electrical service under special contracts on August 28, 2021, even if a retail customer elects to purchase electricity from an alternative electric supplier following a fundamental change in regulation of public utilities in this state;

e. A formula-based true-up mechanism for making, at least annually, expeditious periodic adjustments in the securitized utility tariff charges that customers are required to pay pursuant to the financing order and for making any adjustments that are necessary to correct for any overcollection or undercollection of the charges or to otherwise ensure the timely payment of securitized utility tariff bonds and financing costs and other required amounts and charges payable under the securitized utility tariff bonds;

f. The securitized utility tariff property that is, or shall be, created in favor of an electrical corporation or its successors or assignees and that shall be used to pay or secure securitized utility tariff bonds and approved financing costs;

g. The degree of flexibility to be afforded to the electrical corporation in establishing the terms and conditions of the securitized utility tariff bonds, including, but not limited to, repayment schedules, expected interest rates, and other financing costs;

h. How securitized utility tariff charges will be allocated among retail customer classes. The initial allocation shall remain in effect until the electrical corporation completes a general rate proceeding, and once the commission's order from that general rate proceeding becomes final, all subsequent applications of an adjustment mechanism regarding securitized utility tariff charges shall incorporate changes in the allocation of costs to customers as detailed in the commission's order from the electrical corporation's most recent general rate proceeding;

i. A requirement that, after the final terms of an issuance of securitized utility tariff bonds have been established and before the issuance of securitized utility tariff bonds, the electrical corporation determines the resulting initial securitized utility tariff charge in accordance with the financing order, and that such initial securitized utility tariff charge be final and effective upon the issuance of such securitized utility tariff bonds with such charge to be reflected on a compliance tariff sheet bearing such charge;

j. A method of tracing funds collected as securitized utility tariff charges, or other proceeds of securitized utility tariff property, determining that such method shall be deemed the method of tracing such funds and determining the identifiable cash proceeds of any securitized utility tariff property subject to a financing order under applicable law;

k. A statement specifying a future ratemaking process to reconcile any differences between the actual securitized utility tariff costs financed by securitized utility tariff bonds and the final securitized utility tariff costs incurred by the electrical corporation or assignee provided that any such reconciliation shall not affect the amount of securitized utility tariff bonds or the associated securitized utility tariff charges paid by customers;

l. A procedure that shall allow the electrical corporation to earn a return, at the cost of capital authorized from time to time by the commission in the electrical corporation's rate proceedings, on any moneys advanced by the electrical corporation to fund reserves, if any, or capital accounts established under the terms of any indenture, ancillary agreement, or other financing documents pertaining to the securitized utility tariff bonds;

m. In a financing order granting authorization to securitize energy transition costs or in a financing order granting authorization to securitize qualified extraordinary costs that include retired or abandoned facility costs, a procedure for the treatment of accumulated deferred income taxes and excess deferred income taxes in connection with the retired or abandoned or to be retired or abandoned electric generating facility, or in connection with retired or abandoned facilities included in qualified extraordinary costs. The accumulated deferred income taxes, including excess deferred income taxes, shall be excluded from rate base in future general rate cases and the net tax benefits relating to amounts that will be recovered through the issuance of securitized utility tariff bonds shall be credited to retail customers by reducing the amount of such securitized utility tariff bonds that would otherwise be issued. The customer credit shall include the net present value of the tax benefits, calculated using a discount rate equal to the expected interest rate of the securitized utility tariff bonds, for the estimated accumulated and excess deferred income taxes at the time of securitization including timing differences created by the issuance of securitized utility tariff bonds amortized over the period of the bonds multiplied by the expected interest rate on such securitized utility tariff bonds;

n. An outside date, which shall not be earlier than one year after the date the financing order is no longer subject to appeal, when the authority to issue securitized utility tariff bonds granted in such financing order shall expire; and

o. Include any other conditions that the commission considers appropriate and that are not inconsistent with this section.

(d) A financing order issued to an electrical corporation may provide that creation of the electrical corporation's securitized utility tariff property is conditioned upon, and simultaneous with, the sale or other transfer of the securitized utility tariff property to an assignee and the pledge of the securitized utility tariff property to secure securitized utility tariff bonds.

(e) If the commission issues a financing order, the electrical corporation shall file with the commission at least annually a petition or a letter applying the formula-based true-up mechanism and, based on estimates of consumption for each rate class and other mathematical factors, requesting administrative approval to make the applicable adjustments. The review of the filing shall be limited to determining whether there are any mathematical or clerical errors in the application of the formula-based true-up mechanism relating to the appropriate amount of any overcollection or undercollection of securitized utility tariff charges and the amount of an adjustment. The adjustments shall ensure the recovery of revenues sufficient to provide for the payment of principal, interest, acquisition, defeasance, financing costs, or redemption premium and other fees, costs, and charges in respect of securitized utility tariff bonds approved under the financing order. Within thirty days after receiving an electrical corporation's request pursuant to this paragraph, the commission shall either approve the request or inform the electrical corporation of any mathematical or clerical errors in its calculation. If the commission informs the electrical corporation of mathematical or clerical errors in its calculation, the electrical corporation shall correct its error and refile its request. The time frames previously described in this paragraph shall apply to a refiled request.

(f) At the time of any transfer of securitized utility tariff property to an assignee or the issuance of securitized utility tariff bonds authorized thereby, whichever is earlier, a financing order is irrevocable and, except for changes made pursuant to the formula-based true-up mechanism authorized in this section, the commission may not amend, modify, or terminate the financing order by any subsequent action or reduce, impair, postpone, terminate, or otherwise adjust securitized utility tariff charges approved in the financing order. After the issuance of a financing order, the electrical corporation retains sole discretion regarding whether to assign, sell, or otherwise transfer securitized utility tariff property or to cause securitized utility tariff bonds to be issued, including the right to defer or postpone such assignment, sale, transfer, or issuance.

(g) The commission, in a financing order and subject to the issuance advice letter process under paragraph (h) of this subdivision, shall specify the degree of flexibility to be afforded the electrical corporation in establishing the terms and conditions for the securitized utility tariff bonds to accommodate changes in market conditions, including repayment schedules, interest rates, financing costs, collateral requirements, required debt service and other reserves and the ability of the electrical corporation, at its option, to effect a series of issuances of securitized utility tariff bonds and correlated assignments, sales, pledges, or other transfers of securitized utility tariff property. Any changes made under this paragraph to terms and conditions for the securitized utility tariff bonds shall be in conformance with the financing order.

(h) As the actual structure and pricing of the securitized utility tariff bonds will be unknown at the time the financing order is issued, prior to the issuance of each series of bonds, an issuance advice letter shall be provided to the commission by the electrical corporation following the determination of the final terms of such series of bonds no later than one day after the pricing of the securitized utility tariff bonds. The commission shall have the authority to designate a

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representative or representatives from commission staff, who may be advised by a financial advisor or advisors contracted with the commission, to provide input to the electrical corporation and collaborate with the electrical corporation in all facets of the process undertaken by the electrical corporation to place the securitized utility tariff bonds to market so the commission's representative or representatives can provide the commission with an opinion on the reasonableness of the pricing, terms, and conditions of the securitized utility tariff bonds on an expedited basis. Neither the designated representative or representatives from the commission staff nor one or more financial advisors advising commission staff shall have authority to direct how the electrical corporation places the bonds to market although they shall be permitted to attend all meetings convened by the electrical corporation to address placement of the bonds to market. The form of such issuance advice letter shall be included in the financing order and shall indicate the final structure of the securitized utility tariff bonds and provide the best available estimate of total ongoing financing costs. The issuance advice letter shall report the initial securitized utility tariff charges and other information specific to the securitized utility tariff bonds to be issued, as the commission may require. Unless an earlier date is specified in the financing order, the electrical corporation may proceed with the issuance of the securitized utility tariff bonds unless, prior to noon on the fourth business day after the commission receives the issuance advice letter, the commission issues a disapproval letter directing that the bonds as proposed shall not be issued and the basis for that disapproval. The financing order may provide such additional provisions relating to the issuance advice letter process as the commission considers appropriate and as are not inconsistent with this section.

(4) (a) In performing the responsibilities of this section in connection with the issuance of a financing order, approving the petition, an order approving the petition subject to conditions, or an order rejecting the petition, the commission shall undertake due diligence as it deems appropriate prior to the issuance of the order regarding the petition pursuant to which the commission may request additional information from the electrical corporation and may engage one or more financial advisors, one or more consultants, and counsel as the commission deems necessary. Any financial advisor or advisors, counsel, and consultants engaged by the commission shall have a fiduciary duty with respect to the proposed issuance of securitized utility bonds solely to the commission. All expenses associated with such services shall be included as part of the financing costs of the securitized utility tariff bonds and shall be included in the securitized utility tariff charge.

(b) If an electrical corporation's petition for a financing order is denied or withdrawn, or for any reason securitized utility tariff bonds are not issued, any costs of retaining one or more financial advisors, one or more consultants, and counsel on behalf of the commission shall be paid by the petitioning electrical corporation and shall be eligible for full recovery, including carrying costs, if approved by the commission in the electrical corporation's future rates.

(5) At the request of an electrical corporation, the commission may commence a proceeding and issue a subsequent financing order that provides for refinancing, retiring, or refunding securitized utility tariff bonds issued pursuant to the original financing order if the commission finds that the subsequent financing order satisfies all of the criteria specified in this section for a financing order. Effective upon retirement of the refunded securitized utility tariff bonds and the issuance of new securitized utility tariff bonds, the commission shall adjust the related securitized utility tariff charges accordingly.

(6) (a) A financing order remains in effect and securitized utility tariff property under the financing order continues to exist until securitized utility tariff bonds issued pursuant to the financing order have been paid in full or defeased and, in each case, all commission-approved financing costs of such securitized utility tariff bonds have been recovered in full.

(b) A financing order issued to an electrical corporation remains in effect and unabated notwithstanding the reorganization, bankruptcy, or other insolvency proceedings, merger, or sale of the electrical corporation or its successors or assignees.

3. (1) The commission may not, in exercising its powers and carrying out its duties regarding any matter within its authority, consider the securitized utility tariff bonds issued pursuant to a financing order to be the debt of the electrical corporation other than for federal and state income tax purposes, consider the securitized utility tariff charges paid under the financing order to be the revenue of the electrical corporation for any purpose, consider the securitized utility tariff costs or financing costs specified in the financing order to be the costs of the electrical corporation, nor may the commission determine any action taken by an electrical corporation which is consistent with the financing order to be unjust or unreasonable, and section 386.300 shall not apply to the issuance of securitized utility tariff bonds.

(2) Securitized utility tariff charges shall not be utilized or accounted for in determining the electrical corporation's average overall rate, as defined in section 393.1655 and as used to determine the maximum retail rate impact limitations provided for by subsections 3 and 4 of section 393.1655.

(3) No electrical corporation is required to file a petition for a financing order under this section or otherwise utilize this section. An electrical corporation's decision not to file a petition for a financing order under this section shall not be admissible in any commission proceeding nor shall it be otherwise utilized or relied on by the commission in any proceeding respecting the electrical corporation's rates or its accounting, including, without limitation, any general rate proceeding, fuel adjustment clause docket, or proceedings relating to accounting authority, whether initiated by the electrical corporation or otherwise. The commission may not order or otherwise directly or indirectly require an electrical corporation to use securitized utility tariff bonds to recover securitized utility tariff costs or to finance any project, addition, plant, facility, extension, capital improvement, equipment, or any other expenditure.

(4) The commission may not refuse to allow an electrical corporation to recover securitized utility tariff costs in an otherwise permissible fashion, or refuse or condition authorization or approval of the issuance and sale by an electrical corporation of securities or the assumption by the electrical corporation of liabilities or obligations, because of the potential availability of securitized utility tariff bond financing.

(5) After the issuance of a financing order with or without conditions, the electrical corporation retains sole discretion regarding whether to cause the securitized utility tariff bonds to be issued, including the right to defer or postpone such sale, assignment, transfer, or issuance. Nothing shall prevent the electrical corporation from abandoning the issuance of securitized utility tariff bonds under the financing order by filing with the commission a statement of abandonment and the reasons therefor; provided, that the electrical corporation's abandonment decision shall not be deemed imprudent because of the potential availability of securitized utility tariff bond financing; and provided further, that an electrical corporation's decision to abandon issuance of such bonds may be raised by any party, including the commission, as a reason the commission should not authorize, or should modify, the rate-making treatment proposed by the electrical corporation of the costs associated with the electric generating facility that was the subject of a petition under this section that would have been securitized as energy transition costs had such abandonment decision not been made, but only if the electrical corporation requests non-standard plant retirement treatment of such costs for rate-making purposes.

(6) The commission may not, directly or indirectly, utilize or consider the debt reflected by the securitized utility tariff bonds in establishing the electrical corporation's capital structure used to determine any regulatory matter, including but not limited to the electrical corporation's revenue requirement used to set its rates.

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(7) The commission may not, directly or indirectly, consider the existence of securitized utility tariff bonds or the potential use of securitized utility tariff bond financing proceeds in determining the electrical corporation's authorized rate of return used to determine the electrical corporation's revenue requirement used to set its rates.

4. The electric bills of an electrical corporation that has obtained a financing order and caused securitized utility tariff bonds to be issued shall comply with the provisions of this subsection; however, the failure of an electrical corporation to comply with this subsection does not invalidate, impair, or affect any financing order, securitized utility tariff property, securitized utility tariff charge, or securitized utility tariff bonds. The electrical corporation shall do the following:

(1) Explicitly reflect that a portion of the charges on such bill represents securitized utility tariff charges approved in a financing order issued to the electrical corporation and, if the securitized utility tariff property has been transferred to an assignee, shall include a statement to the effect that the assignee is the owner of the rights to securitized utility tariff charges and that the electrical corporation or other entity, if applicable, is acting as a collection agent or servicer for the assignee. The tariff applicable to customers shall indicate the securitized utility tariff charge and the ownership of the charge;

(2) Include the securitized utility tariff charge on each customer's bill as a separate line item and include both the rate and the amount of the charge on each bill.

5. (1) (a) All securitized utility tariff property that is specified in a financing order constitutes an existing, present intangible property right or interest therein, notwithstanding that the imposition and collection of securitized utility tariff charges depends on the electrical corporation, to which the financing order is issued, performing its servicing functions relating to the collection of securitized utility tariff charges and on future electricity consumption. The property exists:

a. Regardless of whether or not the revenues or proceeds arising from the property have been billed, have accrued, or have been collected; and

b. Notwithstanding the fact that the value or amount of the property is dependent on the future provision of service to customers by the electrical corporation or its successors or assignees and the future consumption of electricity by customers.

(b) Securitised utility tariff property specified in a financing order exists until securitized utility tariff bonds issued pursuant to the financing order are paid in full and all financing costs and other costs of such securitized utility tariff bonds have been recovered in full.

(c) All or any portion of securitized utility tariff property specified in a financing order issued to an electrical corporation may be transferred, sold, conveyed, or assigned to a successor or assignee that is wholly owned, directly or indirectly, by the electrical corporation and created for the limited purpose of acquiring, owning, or administering securitized utility tariff property or issuing securitized utility tariff bonds under the financing order. All or any portion of securitized utility tariff property may be pledged to secure securitized utility tariff bonds issued pursuant to the financing order, amounts payable to financing parties and to counterparties under any ancillary agreements, and other financing costs. Any transfer, sale, conveyance, assignment, grant of a security interest in or pledge of securitized utility tariff property by an electrical corporation, or an affiliate of the electrical corporation, to an assignee, to the extent previously authorized in a financing order, does not require the prior consent and approval of the commission.

(d) If an electrical corporation defaults on any required remittance of securitized utility tariff charges arising from securitized utility tariff property specified in a financing order, a court, upon application by an interested party, and without limiting any other remedies available to the applying party, shall order the sequestration and payment of the revenues arising from the securitized utility tariff property to the financing parties or their assignees. Any such financing

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order remains in full force and effect notwithstanding any reorganization, bankruptcy, or other insolvency proceedings with respect to the electrical corporation or its successors or assignees.

(e) The interest of a transferee, purchaser, acquirer, assignee, or pledgee in securitized utility tariff property specified in a financing order issued to an electrical corporation, and in the revenue and collections arising from that property, is not subject to setoff, counterclaim, surcharge, or defense by the electrical corporation or any other person or in connection with the reorganization, bankruptcy, or other insolvency of the electrical corporation or any other entity.

(f) Any successor to an electrical corporation, whether pursuant to any reorganization, bankruptcy, or other insolvency proceeding or whether pursuant to any merger or acquisition, sale, or other business combination, or transfer by operation of law, as a result of electrical corporation restructuring or otherwise, shall perform and satisfy all obligations of, and have the same rights under a financing order as, the electrical corporation under the financing order in the same manner and to the same extent as the electrical corporation, including collecting and paying to the person entitled to receive the revenues, collections, payments, or proceeds of the securitized utility tariff property. Nothing in this section is intended to limit or impair any authority of the commission concerning the transfer or succession of interests of public utilities.

(g) Securitized utility tariff bonds shall be nonrecourse to the credit or any assets of the electrical corporation other than the securitized utility tariff property as specified in the financing order and any rights under any ancillary agreement.

(2) (a) The creation, perfection, priority, and enforcement of any security interest in securitized utility tariff property to secure the repayment of the principal and interest and other amounts payable in respect of securitized utility tariff bonds, amounts payable under any ancillary agreement and other financing costs are governed by this section and not by the provisions of the code, except as otherwise provided in this section.

(b) A security interest in securitized utility tariff property is created, valid, and binding at the later of the time:

- a. The financing order is issued;
- b. A security agreement is executed and delivered by the debtor granting such security interest;
- c. The debtor has rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property; or
- d. Value is received for the securitized utility tariff property.

The description of securitized utility tariff property in a security agreement is sufficient if the description refers to this section and the financing order creating the securitized utility tariff property. A security interest shall attach as provided in this paragraph without any physical delivery of collateral or other act.

(c) Upon the filing of a financing statement with the office of the secretary of state as provided in this section, a security interest in securitized utility tariff property shall be perfected against all parties having claims of any kind in tort, contract, or otherwise against the person granting the security interest, and regardless of whether the parties have notice of the security interest. Without limiting the foregoing, upon such filing a security interest in securitized utility tariff property shall be perfected against all claims of lien creditors, and shall have priority over all competing security interests and other claims other than any security interest previously perfected in accordance with this section.

(d) The priority of a security interest in securitized utility tariff property is not affected by the commingling of securitized utility tariff charges with other amounts. Any pledgee or secured party shall have a perfected security interest in the amount of all securitized utility tariff charges that are deposited in any cash or deposit account of the qualifying electrical corporation in which

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securitized utility tariff charges have been commingled with other funds and any other security interest that may apply to those funds shall be terminated when they are transferred to a segregated account for the assignee or a financing party.

(e) No application of the formula-based true-up mechanism as provided in this section will affect the validity, perfection, or priority of a security interest in or transfer of securitized utility tariff property.

(f) If a default occurs under the securitized utility tariff bonds that are secured by a security interest in securitized utility tariff property, the financing parties or their representatives may exercise the rights and remedies available to a secured party under the code, including the rights and remedies available under part 6 of article 9 of the code. The commission may also order amounts arising from securitized utility tariff charges be transferred to a separate account for the financing parties' benefit, to which their lien and security interest shall apply. On application by or on behalf of the financing parties, the circuit court for the county or city in which the electrical corporation's headquarters is located shall order the sequestration and payment to them of revenues arising from the securitized utility tariff charges.

(3) (a) Any sale, assignment, or other transfer of securitized utility tariff property shall be an absolute transfer and true sale of, and not a pledge of or secured transaction relating to, the seller's right, title, and interest in, to, and under the securitized utility tariff property if the documents governing the transaction expressly state that the transaction is a sale or other absolute transfer other than for federal and state income tax purposes. For all purposes other than federal and state income tax purposes, the parties' characterization of a transaction as a sale of an interest in securitized utility tariff property shall be conclusive that the transaction is a true sale and that ownership has passed to the party characterized as the purchaser, regardless of whether the purchaser has possession of any documents evidencing or pertaining to the interest. A sale or similar outright transfer of an interest in securitized utility tariff property may occur only when all of the following have occurred:

- a. The financing order creating the securitized utility tariff property has become effective;
- b. The documents evidencing the transfer of securitized utility tariff property have been executed by the assignor and delivered to the assignee; and
- c. Value is received for the securitized utility tariff property.

After such a transaction, the securitized utility tariff property is not subject to any claims of the transferor or the transferor's creditors, other than creditors holding a prior security interest in the securitized utility tariff property perfected in accordance with this section.

(b) The characterization of the sale, assignment, or other transfer as an absolute transfer and true sale and the corresponding characterization of the property interest of the purchaser, shall not be affected or impaired by the occurrence of any of the following factors:

- a. Commingling of securitized utility tariff charges with other amounts;
- b. The retention by the seller of (i) a partial or residual interest, including an equity interest, in the securitized utility tariff property, whether direct or indirect, or whether subordinate or otherwise, or (ii) the right to recover costs associated with taxes, franchise fees, or license fees imposed on the collection of securitized utility tariff charges;
- c. Any recourse that the purchaser may have against the seller;
- d. Any indemnification rights, obligations, or repurchase rights made or provided by the seller;
- e. The obligation of the seller to collect securitized utility tariff charges on behalf of an assignee;
- f. The transferor acting as the servicer of the securitized utility tariff charges or the existence of any contract that authorizes or requires the electrical corporation, to the extent that any

interest in securitized utility tariff property is sold or assigned, to contract with the assignee or any financing party that it will continue to operate its system to provide service to its customers, will collect amounts in respect of the securitized utility tariff charges for the benefit and account of such assignee or financing party, and will account for and remit such amounts to or for the account of such assignee or financing party;

g. The treatment of the sale, conveyance, assignment, or other transfer for tax, financial reporting, or other purposes;

h. The granting or providing to bondholders a preferred right to the securitized utility tariff property or credit enhancement by the electrical corporation or its affiliates with respect to such securitized utility tariff bonds;

i. Any application of the formula-based true-up mechanism as provided in this section.

(c) Any right that an electrical corporation has in the securitized utility tariff property before its pledge, sale, or transfer or any other right created under this section or created in the financing order and assignable under this section or assignable pursuant to a financing order is property in the form of a contract right or a chose in action. Transfer of an interest in securitized utility tariff property to an assignee is enforceable only upon the later of:

a. The issuance of a financing order;

b. The assignor having rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property to an assignee;

c. The execution and delivery by the assignor of transfer documents in connection with the issuance of securitized utility tariff bonds; and

d. The receipt of value for the securitized utility tariff property.

An enforceable transfer of an interest in securitized utility tariff property to an assignee is perfected against all third parties, including subsequent judicial or other lien creditors, when a notice of that transfer has been given by the filing of a financing statement in accordance with subsection 7 of this section. The transfer is perfected against third parties as of the date of filing.

(d) The priority of a transfer perfected under this section is not impaired by any later modification of the financing order or securitized utility tariff property or by the commingling of funds arising from securitized utility tariff property with other funds. Any other security interest that may apply to those funds, other than a security interest perfected under this section, is terminated when they are transferred to a segregated account for the assignee or a financing party. If securitized utility tariff property has been transferred to an assignee or financing party, any proceeds of that property shall be held in trust for the assignee or financing party.

(e) The priority of the conflicting interests of assignees in the same interest or rights in any securitized utility tariff property is determined as follows:

a. Conflicting perfected interests or rights of assignees rank according to priority in time of perfection. Priority dates from the time a filing covering the transfer is made in accordance with subsection 7 of this section;

b. A perfected interest or right of an assignee has priority over a conflicting unperfected interest or right of an assignee;

c. A perfected interest or right of an assignee has priority over a person who becomes a lien creditor after the perfection of such assignee's interest or right.

6. The description of securitized utility tariff property being transferred to an assignee in any sale agreement, purchase agreement, or other transfer agreement, granted or pledged to a pledgee in any security agreement, pledge agreement, or other security document, or indicated in any financing statement is only sufficient if such description or indication refers to the financing order that created the securitized utility tariff property and states that the agreement or financing statement covers all or part of the property described in the financing order. This section applies

to all purported transfers of, and all purported grants or liens or security interests in, securitized utility tariff property, regardless of whether the related sale agreement, purchase agreement, other transfer agreement, security agreement, pledge agreement, or other security document was entered into, or any financing statement was filed.

7. The secretary of state shall maintain any financing statement filed to perfect a sale or other transfer of securitized utility tariff property and any security interest in securitized utility tariff property under this section in the same manner that the secretary of state maintains financing statements filed under the code to perfect a security interest in collateral owned by a transmitting utility. Except as otherwise provided in this section, all financing statements filed pursuant to this section shall be governed by the provisions regarding financing statements and the filing thereof under the code, including part 5 of article 9 of the code. A security interest in securitized utility tariff property may be perfected only by the filing of a financing statement in accordance with this section, and no other method of perfection shall be effective. Notwithstanding any provision of the code to the contrary, a financing statement filed pursuant to this section is effective until a termination statement is filed under the code, and no continuation statement need be filed to maintain its effectiveness. A financing statement filed pursuant to this section may indicate that the debtor is a transmitting utility, and without regard to whether the debtor is an electrical corporation, an assignee or otherwise qualifies as a transmitting utility under the code, but the failure to make such indication shall not impair the duration and effectiveness of the financing statement.

8. The law governing the validity, enforceability, attachment, perfection, priority, and exercise of remedies with respect to the transfer of an interest or right or the pledge or creation of a security interest in any securitized utility tariff property shall be the laws of this state.

9. Neither the state nor its political subdivisions are liable on any securitized utility tariff bonds, and the bonds are not a debt or a general obligation of the state or any of its political subdivisions, agencies, or instrumentalities, nor are they special obligations or indebtedness of the state or any agency or political subdivision. An issue of securitized utility tariff bonds does not, directly, indirectly, or contingently, obligate the state or any agency, political subdivision, or instrumentality of the state to levy any tax or make any appropriation for payment of the securitized utility tariff bonds, other than in their capacity as consumers of electricity. All securitized utility tariff bonds shall contain on the face thereof a statement to the following effect: "Neither the full faith and credit nor the taxing power of the state of Missouri is pledged to the payment of the principal of, or interest on, this bond."

10. All of the following entities may legally invest any sinking funds, moneys, or other funds in securitized utility tariff bonds:

(1) Subject to applicable statutory restrictions on state or local investment authority, the state, units of local government, political subdivisions, public bodies, and public officers, except for members of the commission, the commission's technical advisory and other staff, or employees of the office of the public counsel;

(2) Banks and bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations, and other persons carrying on a banking or insurance business;

(3) Personal representatives, guardians, trustees, and other fiduciaries;

(4) All other persons authorized to invest in bonds or other obligations of a similar nature.

11. (1) The state and its agencies, including the commission, pledge and agree with bondholders, the owners of the securitized utility tariff property, and other financing parties that the state and its agencies will not take any action listed in this subdivision. This subdivision does not preclude limitation or alteration if full compensation is made by law for the full protection of the securitized utility tariff charges collected pursuant to a financing order and of the

bondholders and any assignee or financing party entering into a contract with the electrical corporation. The prohibited actions are as follows:

(a) Alter the provisions of this section, which authorize the commission to create an irrevocable contract right or chose in action by the issuance of a financing order, to create securitized utility tariff property, and make the securitized utility tariff charges imposed by a financing order irrevocable, binding, or nonbypassable charges for all existing and future retail customers of the electrical corporation except its existing special contract customers;

(b) Take or permit any action that impairs or would impair the value of securitized utility tariff property or the security for the securitized utility tariff bonds or revises the securitized utility tariff costs for which recovery is authorized;

(c) In any way impair the rights and remedies of the bondholders, assignees, and other financing parties;

(d) Except for changes made pursuant to the formula-based true-up mechanism authorized under this section, reduce, alter, or impair securitized utility tariff charges that are to be imposed, billed, charged, collected, and remitted for the benefit of the bondholders, any assignee, and any other financing parties until any and all principal, interest, premium, financing costs and other fees, expenses, or charges incurred, and any contracts to be performed, in connection with the related securitized utility tariff bonds have been paid and performed in full.

(2) Any person or entity that issues securitized utility tariff bonds may include the language specified in this subsection in the securitized utility tariff bonds and related documentation.

12. An assignee or financing party is not an electrical corporation or person providing electric service by virtue of engaging in the transactions described in this section.

13. If there is a conflict between this section and any other law regarding the attachment, assignment, or perfection, or the effect of perfection, or priority of, assignment or transfer of, or security interest in securitized utility tariff property, this section shall govern.

14. If any provision of this section is held invalid or is invalidated, superseded, replaced, repealed, or expires for any reason, that occurrence does not affect the validity of any action allowed under this section which is taken by an electrical corporation, an assignee, a financing party, a collection agent, or a party to an ancillary agreement; and any such action remains in full force and effect with respect to all securitized utility tariff bonds issued or authorized in a financing order issued under this section before the date that such provision is held invalid or is invalidated, superseded, replaced, or repealed, or expires for any reason.

393.1705. REPLACEMENT RESOURCES INVESTMENT — PETITION, APPROVAL, AMOUNT — BASE DETERMINATION — DEFERRALS — PETITION PROCEDURE. — 1. For purposes of this section, the term "replacement resources" shall mean:

(1) Renewable generation facilities which produce electric energy from wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, cellulosic agricultural residues, plant residues, methane from landfills, from agricultural operations, or from wastewater treatment, thermal depolymerization or pyrolysis for converting waste material to energy, clean and untreated wood such as pallets, hydropower, not including pumped storage, that does not require a new diversion or impoundment of water and that has a nameplate rating of ten megawatts or less, and fuel cells using hydrogen produced by one of the above-named replacement sources;

(2) Generation facilities which produce electric energy from natural gas that enable the electrical corporation to:

(a) Provide electric energy when renewable generation facilities and energy storage facilities are insufficient to meet the needs of the electrical corporation's system;

(b) Meet requirements of the electrical corporation's regional transmission organization; or

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- (c) Serve the objectives of both paragraphs (a) and (b) of this subdivision;
- (3) Energy storage facilities that enable the electrical corporation to:
 - (a) Provide electric energy when renewable generation facilities are not generating electric energy in sufficient quantities to meet the needs of the electrical corporation's system;
 - (b) Meet requirements of the electrical corporation's regional transmission organization; or
 - (c) Serve the objectives of both paragraphs (a) and (b) of this subdivision; and
 - (4) Transmission facilities that enable the delivery of electric energy from renewable generation facilities or energy storage facilities, including but not limited to, interconnection, network upgrades, voltage and reactive power support, and transmission facilities needed to maintain reliability as a result of the retirement of generation facilities.

2. If requested by an electrical corporation in a petition filed concurrently with a petition filed under subsection 2 of section 393.1700 to recover securitized utility tariff costs and notwithstanding any other provision of chapter 386 or 393 to the contrary, including section 393.170 which section shall not apply to the construction of replacement resources as defined in subsection 1 of this section:

(1) Except for electric generating facilities retired or abandoned prior to August 28, 2021, unless the commission issues an order rejecting a petition for a financing order filed under the provisions of section 393.1700 that was accompanied by a petition for approval of investment in replacement resources filed under the provisions of this section, the commission shall approve investment in replacement resources by the electrical corporation of an amount that is approximately equal to the undepreciated investment in the electric generating facilities covered by such petition to acquire or build an existing or new replacement resource to replace the retired or abandoned or to be retired or abandoned unit. There is no requirement that the replacement resource's capacity or energy production match the energy or capacity production of the retired or abandoned unit. Such approval shall constitute an affirmative and binding determination by the commission, to be applied in all subsequent proceedings respecting the rates of the electrical corporation, that such investment is prudent and reasonable, that the replacement resource is necessary for the electrical corporation's provision of electric service to its customers, and that such investment shall be reflected in the revenue requirement used to set the electrical corporation's base rates, subject only to the commission's authority to determine that the electrical corporation did not manage or execute the project in a reasonable and prudent manner in some respect and its authority to disallow for ratemaking purposes only that portion of the investment that would not have been incurred had the unreasonable or imprudent management or execution of the project not occurred; and

(2) The commission shall create a deferral mechanism by which the electrical corporation shall defer, to a regulatory asset or regulatory liability as appropriate, the changes in the electrical corporation's revenue requirement used to last set its base rates as specified in this subdivision. Such changes shall be deferred during the period starting on the date of retirement or abandonment of the subject unit and ending when the base rates of the electrical corporation that is the subject of the petition are changed as the result of a general rate proceeding where the rate base cutoff date in that general rate proceeding occurs on or after the retirement or abandonment. For purposes of this subdivision, the changes in the electrical corporation's revenue requirement that shall be deferred shall only consist of:

- (a) Changes in depreciation expense associated with the retired or abandoned unit;
- (b) Changes in labor and benefit costs for employees or contractors no longer employed or retained by the electrical corporation who formerly worked at the retired or abandoned unit, net of severance and relocation costs of the electrical corporation paid to such employees or contractors;

(c) Changes in nonlabor, nonfuel operations, and maintenance costs caused by the retirement or abandonment of the unit;

(d) The return on the retired or abandoned unit once it is removed from plant-in-service on the electrical corporation's books at the electrical corporation's weighted average cost of capital, plus applicable federal, state, and local income or excise taxes, used to establish the electrical corporation's revenue requirement last used to set its base rates;

(e) Depreciation expense on the replacement resources starting with the date it is recorded to plant-in-service on the electrical corporation's books;

(f) Labor and benefits costs for employees or contractors who work at the replacement resources;

(g) Nonlabor, nonfuel operations, and maintenance costs of the replacement resources; and

(h) The return on the replacement resources once they are recorded to plant-in-service on the electrical corporation's books at the electrical corporation's weighted average cost of capital, plus applicable federal, state, and local income or excise taxes, used to establish the electrical corporation's revenue requirement last used to set its base rates.

The base against which changes under paragraphs (a), (b), and (c) of this subdivision shall be the values of each such item used to set the electrical corporation's base electric rates in its last general rate proceeding concluded prior to the time the deferrals are made, provided, if the docketed record in such general rate proceeding does not specify one or more necessary revenue requirement parameters to establish the base for paragraphs (a) to (c) of this subdivision because of a "black box" settlement or otherwise, the commission shall, in the docket created by a petition filed under this section and based on the docketed record in such prior general rate proceeding, establish the missing parameters, which shall then be used to accomplish the deferrals. The base with respect to paragraphs (e), (f), and (g) of this subdivision shall be zero. Notwithstanding the foregoing provisions of this subdivision, deferrals created by this subdivision shall cease on the effective date of rates from a base rate case that shall be filed no later than one year after the subject electric generating unit was retired or abandoned. For purposes of this subdivision, the return in paragraphs (d) and (h) shall equal the weighted average cost of capital used to set the electrical corporation's base electrical rates in its last general rate proceeding concluded prior to the time the deferrals are made, provided, if the docketed record in such general rate proceeding does not specify one or more necessary revenue requirement parameters to establish the base for an item because of a "black box" settlement or otherwise, the commission shall, in the docket created by a petition filed under this section and based on the docketed record in such general rate proceeding, establish the missing parameters, which shall then be used to accomplish the deferrals.

(3) The commission shall also create a deferral mechanism by which the electrical corporation shall defer to a regulatory asset the changes in the electrical corporation's revenue requirement last used to set its base rates as specified in this subdivision. Such changes shall be deferred during the period beginning on the date deferrals cease under subdivision (2) of this subsection and ending when the electrical corporation's base rates are next changed as a result of a general rate proceeding. For purposes of this subdivision, such changes in the electrical corporation's revenue requirement that shall be deferred shall only consist of:

(a) Return on the replacement resources once they go into service on the electrical corporation's books at the electrical corporation's weighted average cost of capital, plus applicable federal, state, and local income or excise taxes, used to establish the electrical corporation's revenue requirement last used to set its base rates;

(b) Depreciation expense on the replacement resources starting with the date the replacement resource is recorded to plant in-service on the electrical corporation's books;

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(c) Increase in-labor and benefits costs for employees or contractors who work at the replacement resources; and

(d) Increase in nonlabor, nonfuel operations, and maintenance costs of the replacement resources.

Notwithstanding the foregoing provisions of this subdivision, deferrals to the regulatory asset created by this subdivision shall cease at the earlier of the date the electrical corporation's base rates are first changed after the replacement resource is recorded to plant in service on the electrical corporation's books where the rate base cutoff date in that general rate proceeding occurred on or after the retirement or abandonment, or the effective date of rates from a base rate case that shall be filed no later than one year after the unit was retired or abandoned. If there is more than one replacement resource for the retired or abandoned plant and if one or more such replacement resource is placed in service prior to the rate base cutoff date in the general rate proceeding described in subdivision (2) of this subsection, the deferrals called for under this subdivision shall be reduced as needed to reflect that event. The base with respect to paragraphs (b) and (c) of this subdivision shall be zero. For purposes of this subdivision, the return in paragraph (a) shall equal the weighted average cost of capital used to set the electrical corporation's base electric rates in its last general rate proceeding concluded prior to the time the deferrals are made, provided, if the docketed record in such general rate proceeding does not specify one or more necessary revenue requirement parameters to establish the base for an item because of a "black box" settlement or otherwise, the commission shall, in the docket created by a petition filed under this section and based on the docketed record in such prior general rate proceeding, establish the missing parameters, which shall then be used to accomplish the deferrals.

(4) Notwithstanding the provisions of section 393.1400 to the contrary, a replacement resource shall not constitute "qualifying electric plant" for purposes of section 393.1400, nor shall it constitute a renewable energy resource under section 393.1030, during the period when a deferral is occurring under subdivision (2) or (3) of this subsection. In addition, and notwithstanding the provisions of section 393.1400 to the contrary, deferrals required by this section relating to the electrical corporation's undepreciated investment in the retired or abandoned unit shall not constitute a change in accumulated depreciation when determining the return deferred on qualifying electric plant under section 393.1400.

(5) Parts of regulatory asset or liability balances created under this section that are not yet being recovered or returned through rates shall include carrying costs at the electrical corporation's weighted average cost of capital last used to set its base electric service rates or, if such cost of capital was not specified for the revenue requirement last used to set such electric service rates at the weighted average cost of capital determined by the commission under subdivision (3) of this subsection, in each case plus applicable federal, state, and local income or excise taxes. All regulatory asset or liability balances from deferrals under this subsection shall be recovered in base rates over a period equal to the remaining useful life of the replacement resource.

(6) In each general rate proceeding concluded after a deferral commences under subdivision (2) or (3) of this subsection, the regulatory asset or liability balances arising from such deferrals, as of the rate base cutoff date, shall be included in the electrical corporation's rate base without any offset, reduction, or adjustment based upon consideration of any other factor, other than to reflect any prudence disallowances ordered by the commission, with the regulatory asset balances arising from such deferrals that occur after the rate base cutoff date to be included in rate base in the next general rate proceeding. The provisions of this section shall not be construed to affect existing law respecting burdens of production and persuasion in general rate proceedings.

3. Proceedings on a petition submitted pursuant to this section begin with the filing of a petition by an electrical corporation under this section that is filed concurrently with a petition submitted under section 393.1700, and shall be disposed of in accordance with the requirements of chapters 386 and 393 and the rules of the commission, except as follows:

(1) The commission shall establish a procedural schedule that permits a commission decision no later than two hundred fifteen days after the date the petition is filed. Such procedural schedule adopted by the commission in connection with a petition filed under this section shall contain the same milestones and requirements as the procedural schedule adopted in a proceeding seeking approval of a financing order under section 393.1700 and shall run concurrently therewith;

(2) No later than two hundred fifteen days after the date the petition is filed, the commission shall issue an order approving the petition or, if it also rejects the accompanying petition for a financing order filed under section 393.1700, rejecting the petition. Judicial review may be had only in accordance with sections 386.500 and 386.510.

393.1715. RETIREMENT OF GENERATING FACILITIES, RATEMAKING PRINCIPLES AND TREATMENT AS APPLIED TO BASE RATES, RETIREMENT DATE, USEFUL LIFE, AND DEPRECIATION — PROCEDURE — MONITORING — RETIREMENT OF COAL-FIXED GENERATING ASSETS IN RATE BASE — RULEMAKING AUTHORITY. — 1. An electrical corporation may petition the commission for a determination of the ratemaking principles and treatment, as proposed by the electrical corporation, that will apply to the reflection in base rates of the electrical corporation's capital and noncapital costs associated with the proposed retirement of one or more of the electrical corporation's generating facilities. Without limiting the foregoing, such principles and treatment may also establish the retirement date and useful life parameters used to set depreciation rates for such facilities. Except as provided for in subsection 4 of this section, the ratemaking principles and treatment approved by the commission under this section for such facilities shall apply to the determination of the revenue requirement in each of the electrical corporation's post-determination general rate proceedings until such time as such facility is fully depreciated on the electrical corporation's books.

2. If the commission fails to issue a determination within two hundred fifteen days that a petition for determination of ratemaking principles and treatment is filed, the ratemaking principles and treatment proposed by the petitioning electrical corporation shall be deemed to have been approved by the commission.

3. Subject to the provisions of subsection 4 of this section, ratemaking principles and treatment approved by the commission, or deemed to have been approved under subsection 2 of this section, shall be binding for ratemaking purposes.

4. (1) An electrical corporation with ratemaking principles and treatment approved by the commission, or deemed to have been approved under subsection 2 of this section, shall monitor the major factors and circumstances relating to the facility to which such principles and treatment apply. Such factors and circumstances include, but are not limited to:

- (a) Terrorist activity or an act of God;
- (b) A significant change in federal or state tax laws;
- (c) A significant change in federal utility laws or regulations or a significant change in generally accepted accounting principles;
- (d) An unexpected, extended outage or shutdown of a major generating unit, other than any major generating unit shut down due to an extended outage at the time of the approval of the ratemaking principles and treatment;
- (e) A significant change in the cost or reliability of power generation technologies;
- (f) A significant change in fuel prices and wholesale electric market conditions;

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- (g) A significant change in the cost or effectiveness of emission control technologies;
- (h) A significant change in the price of emission allowances;
- (i) A significant change in the electrical corporation's load forecast;
- (j) A significant change in capital market conditions;
- (k) A significant change in the scope or effective dates of environmental regulations; or
- (l) A significant change in federal or state environmental laws.

(2) If the electrical corporation determines that one or more major factor or circumstance has changed in a manner that warrants a change in the approved ratemaking principles and treatment, then it shall file a notice in the docket in which the approved ratemaking principles and treatment were established within forty-five days of any such determination. In its notification, the electrical corporation shall:

(a) Explain and specify the changes it contends are appropriate to the ratemaking principles and treatment and the reasons for the proposed changes;

(b) Provide a description of the alternatives that it evaluated and the process that it went through in developing its proposed changes; and

(c) Provide detailed workpapers that support the evaluation and the process whereby proposed changes were developed.

(3) If a party has concerns regarding the proposed changes, that party shall file a notice of its concerns within thirty days of the electrical corporation's filing. If the parties agree on a resolution of the concerns, the agreement shall be submitted to the commission for approval. If the parties do not reach agreement on changes to the ratemaking principles and treatment within ninety days of the date the electrical corporation filed its notice, whether the previously approved ratemaking and treatment will be changed shall be determined by the commission. If a party to the docket in which the approved ratemaking principles and treatment were approved believes that one or more major factor or circumstance has changed in a manner that warrants a change in the approved ratemaking principles and treatment and if the electrical corporation does not agree the principles and treatment should be changed, such party shall file a notice in the docket in which the approved ratemaking principles and treatment were established within forty-five days of any such determination. In its notification, such party shall:

(a) Explain and specify the changes it contends are appropriate to the ratemaking principles and treatment and the reasons for the proposed changes;

(b) Provide a description of the alternatives that it evaluated and the process that it went through in developing its proposed changes; and

(c) Provide detailed workpapers that support the evaluation and the process whereby proposed changes were developed.

(4) If a party, including the electrical corporation, has concerns regarding the proposed changes, that party shall file a notice of its concerns within thirty days of the other party's filing. If the parties do not reach agreement on changes to the ratemaking principles and treatment within ninety days of the date the notice was filed, whether the previously approved ratemaking and treatment will be changed shall be determined by the commission.

5. A determination of ratemaking principles and treatment under this section does not preclude an electrical corporation from also petitioning the commission under either or both of sections 393.1700 and 393.1705, provided that any costs to which such ratemaking principles and treatment would have applied in the electrical corporation's general rate proceedings which become funded by securitized utility tariff bond proceeds from a securitized utility tariff bond issued under section 393.1700 shall not thereafter be reflected in the electrical corporation's base rates.

6. If determined by the commission to be just, reasonable, and necessary for the provision of safe and adequate service, the electrical corporation may be permitted to retain coal-fired

generating assets in rate base and recover costs associated with operating the coal-fired assets that remain in service to provide greater certainty that generating capacity will be available to provide essential service to customers, including during extreme weather events, and the commission shall not disallow any portion of such cost recovery on the basis that such coal-fired generating assets operate at a low capacity factor, or are off-line and providing capacity only, during normal operating conditions.

7. The commission may promulgate rules necessary to implement the provisions of sections 393.1700 to 393.1715. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

394.020. DEFINITIONS. — In this chapter, unless the context otherwise requires,

(1) "Member" means each incorporator of a cooperative and each person admitted to and retaining membership therein, and shall include a husband and wife admitted to joint membership;

(2) "Person" includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic; and

(3) "Rural area" shall be deemed to mean any area of the United States not included within the boundaries of any city, town or village having a population in excess of ~~fifteen~~ **sixteen** hundred inhabitants, and such term shall be deemed to include both the farm and nonfarm population thereof.

The number of inhabitants specified in this subsection shall be increased by six percent every ten years after each decennial census beginning in 2030.

394.120. QUALIFICATIONS FOR MEMBERSHIP — MEETINGS — RULES — BOARD OF DIRECTORS AUTHORITY ON CERTAIN MATTERS, EXPIRES, WHEN. — 1. No person shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to be a member thereof if he or she shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members, or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the cooperative is located.

5. Except as herein otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.

6. Two percent of the first two thousand members and one percent of the remaining members, present in person, or if the bylaws so provide, participating electronically or by mail, shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the

presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy, by electronic means, by mail, or any combination thereof. If the bylaws provide for voting by proxy, by electronic means, or by mail, they shall also prescribe the conditions under which proxy, electronic, or mail voting shall be exercised. In any event, no person shall vote as proxy for more than two members at any meeting of the members.

8. Notwithstanding the provisions of subsections 2 and 7 of this section, the board of directors shall have the power to set the time and place of the annual meeting and also to provide for voting by proxy, electronic means, by mail, or any combination thereof, and to prescribe the conditions under which such voting shall be exercised. The meeting requirement provided in this section may be satisfied through virtual means. The provisions of this subsection shall expire on August 28, 2022.

394.315. DEFINITIONS — RURAL ELECTRIC COOPERATIVE EXCLUSIVE RIGHT TO SERVE STRUCTURES, EXCEPTION — CHANGE OF SUPPLIERS, PROCEDURE — NEW STRUCTURE BUILT, EFFECT OF. — 1. As used in this section, the following terms mean:

(1) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on ~~a rural electric cooperative~~ **an electric supplier** to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a rural electric cooperative, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided herein, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such cooperative, and except as provided in this section, nothing contained herein shall affect the rights, privileges or duties of existing cooperatives pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had

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cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of this section, section 91.025, section 393.106, and section 394.080 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

400.9-109. SCOPE. — (a) Except as otherwise provided in subsections (c) and (d), this article applies to:

- (1) A transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract;
- (2) An agricultural lien;
- (3) A sale of accounts, chattel paper, payment intangibles, or promissory notes;
- (4) A consignment;
- (5) A security interest arising under section 400.2-401, 400.2-505, 400.2-711(3) or 400.2A-508(5), as provided in section 400.9-110; and
- (6) A security interest arising under section 400.4-210 or 400.5-118.

(b) The application of this article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this article does not apply.

(c) This article does not apply to the extent that:

- (1) A statute, regulation, or treaty of the United States preempts this article;
- (2) Another statute of this state expressly governs the creation, perfection, priority, or enforcement of a security interest created by this state or a governmental unit of this state;
- (3) A statute of another state, a foreign country, or a governmental unit of another state or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security interest created by the state, country, or governmental unit; or
- (4) The rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under section 400.5-114.

(d) This article does not apply to:

- (1) A landlord's lien, other than an agricultural lien;
- (2) A lien, other than an agricultural lien, given by statute or other rule of law for services or materials, but section 400.9-333 applies with respect to priority of the lien;
- (3) An assignment of a claim for wages, salary, or other compensation of an employee;
- (4) A sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;
- (5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only;
- (6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;
- (7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;
- (8) A transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but sections 400.9-315 and 400.9-322 apply with respect to proceeds and priorities in proceeds;

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- (9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;
- (10) A right of recoupment or set-off, but:
- (A) Section 400.9-340 applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and
- (B) Section 400.9-404 applies with respect to defenses or claims of an account debtor;
- (11) The creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for:
- (A) Liens on real property in sections 400.9-203 and 400.9-308;
- (B) Fixtures in section 400.9-334;
- (C) Fixture filings in sections 400.9-501, 400.9-502, 400.9-512, 400.9-516 and 400.9-519; and
- (D) Security agreements covering personal and real property in section 400.9-604;
- (12) An assignment of a claim arising in tort, other than a commercial tort claim, but sections 400.9-315 and 400.9-322 apply with respect to proceeds and priorities in proceeds; ~~[or]~~
- (13) An assignment of a deposit account in a consumer transaction, but sections 400.9-315 and 400.9-322 apply with respect to proceeds and priorities in proceeds; ~~[or]~~
- (14) An assignment of a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Section 104(a)(1) or (2), as amended from time to time; ~~[or]~~
- (15) An assignment of a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Section 1396p(d)(4), as amended from time to time; ~~[or]~~
- (16) A transfer by a government or governmental subdivision or agency; or
- (17) The creation, attachment, perfection, priority, or enforcement of any security interest in, or the sale, assignment, or other transfer of, any securitized utility tariff property as defined in section 393.1700, or any interest therein or any portion thereof, in each case except as otherwise expressly provided in section 393.1700.**

~~**[393.1073. TASK FORCE ESTABLISHED, MEMBERS, HEARINGS AND RESEARCH — REPORT, CONTENTS — MEETINGS — EXPIRATION DATE.** 1. There is hereby established the "Task Force on Wind Energy", which shall be composed of the following members:~~

- ~~(1) Three members of the house of representatives, with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives;~~
- ~~(2) Three members of the senate, with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate; and~~
- ~~(3) Two representatives from Missouri county governments with experience in wind energy valuations, with one being a currently elected county assessor to be appointed by the speaker of the house of representatives, and one being a currently elected county clerk to be appointed by the president pro tempore of the senate.~~

~~2. The task force shall conduct public hearings and research, and shall compile a report for delivery to the general assembly by no later than December 31, 2019. Such report shall include information on the following:~~

- ~~(1) The economic benefits and drawbacks of wind turbines to local communities and the state;~~
- ~~(2) The fair, uniform, and standardized assessment and taxation of wind turbines and their connected equipment owned by a public utility company at the county level in all counties;~~
- ~~(3) Compliance with existing federal and state programs and regulations; and~~
- ~~(4) Potential legislation that will provide a uniform assessment and taxation methodology for wind turbines and their connected equipment owned by a public utility company that will be used in every county of Missouri.~~

~~3. The task force shall meet within thirty days after its creation and shall organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member~~

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~~of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it. A majority of the task force shall constitute a quorum, and a majority vote of such quorum shall be required for any action.~~

~~4. The staff of house research and senate research shall provide necessary clerical, research, fiscal, and legal services to the task force, as the task force may request.~~

~~5. The members of the task force shall serve without compensation, but any actual and necessary expenses incurred in the performance of the task force's official duties by the task force, its members, and any staff assigned to the task force shall be paid from the joint contingent fund.~~

~~6. This section shall expire on December 31, 2019.]~~

Approved July 6, 2021

SS SB 2

Enacts provisions relating to economic incentives for the creation of military jobs, with an emergency clause.

AN ACT to repeal sections 620.2005 and 620.2010, RSMo, and to enact in lieu thereof two new sections relating to economic incentives for the creation of military jobs, with an emergency clause.

SECTION

- A Enacting clause.
- 620.2005 Definitions.
- 620.2010 Retention of withholding tax for new jobs, when — tax credits authorized, requirements — alternate incentives.
- B Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 620.2005 and 620.2010, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 620.2005 and 620.2010, to read as follows:

620.2005. DEFINITIONS. — 1. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "Contractor", a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;

(4) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

(8) "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely performed job duties within Missouri;

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(9) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(10) "Industrial development authority", an industrial development authority organized under chapter 349 that has entered into a formal written memorandum of understanding with an entity of the United States Department of Defense regarding a qualified military project;

(11) "Infrastructure projects", highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, broadband internet infrastructure, and any other similar public improvements, but in no case shall infrastructure projects include private structures;

(12) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(13) "Manufacturing capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

(14) "Memorandum of understanding", an agreement executed by an industrial development authority and an entity of the United States Department of Defense, a copy of which is provided to the department of economic development, that states, but is not limited to:

(a) A requirement for the military to provide the total number of existing jobs, jobs directly created by a qualified military project, and average salaries of such jobs to the industrial development authority and the department of economic development annually for the term of the benefit;

(b) A requirement for the military to provide an accounting of the expenditures of capital investment made by the military directly related to the qualified military project to the industrial development authority and the department of economic development annually for the term of the benefit;

(c) The process by which the industrial development authority shall monetize the tax credits annually and any transaction cost or administrative fee charged by the industrial development authority to the military on an annual basis;

(d) A requirement for the industrial development authority to provide proof to the department of economic development of the payment made to the qualified military project annually, including the amount of such payment;

(e) The schedule of the maximum amount of tax credits which may be authorized in each year for the project and the specified term of the benefit, as provided by the department of economic development; and

(f) A requirement that the annual benefit paid shall be the lesser of:

a. The maximum amount of tax credits authorized; or

b. The actual calculated benefit derived from the number of new jobs and average salaries;

(15) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(16) "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or

the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(17) "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(18) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(19) "New payroll", the amount of wages paid for all new jobs, located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

(20) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;

(21) "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program. The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants;

(22) "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

(23) "Program", the Missouri works program established in sections 620.2000 to 620.2020;

(24) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located or by a qualified manufacturing company at which a manufacturing capital investment is or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period. For qualified military projects, the term "project facility" means the military base or installation at which such qualified military project is or shall be located;

(25) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(26) "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(27) "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(28) "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(29) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

- (a) Gambling establishments (NAICS industry group 7132);
- (b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;
- (c) Food and drinking places (NAICS subsector 722);
- (d) Public utilities (NAICS 221 including water and sewer services);
- (e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;
- (f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:
 - a. Certifies to the department that it plans to reorganize and not to liquidate; and
 - b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;
- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production;
- (k) Biodiesel production; or
- (l) Health care and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(30) "Qualified manufacturing company", a company that:

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- (a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);
 - (b) Manufactures goods at a facility in Missouri;
 - (c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and
 - (d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the project period;
- (31) "Qualified military project", the expansion or improvement of a military base or installation within this state that causes:
- (a) An increase of ten or more **part-time or full-time** military or civilian support personnel:
 - a. Whose average salaries equal or exceed ninety percent of the county average wage; and
 - b. Who are offered health insurance, with an entity of the United States Department of Defense paying at least fifty percent of such insurance premiums; and
 - (b) Investment in real or personal property at the base or installation expressly for the purposes of serving a new or expanded military activity or unit.

For the purposes of this subdivision, part-time military or civilian support personnel shall be converted to full-time new jobs by, in hire date order, counting one full-time new job for every thirty-five averaged hours worked per week by part-time military or civilian support personnel in jobs directly created by the qualified military project. For each such full-time new job, the sum of the wages of the part-time military or civilian support personnel combined and converted to form the new job shall be the wage for the one full-time new job. Each part-time military or civilian support personnel whose job is combined and converted for such a full-time new job shall be offered health insurance as described in subparagraph b of paragraph (a) of this subdivision;

- (32) "Related company", shall mean:
- (a) A corporation, partnership, trust, or association controlled by the qualified company;
 - (b) An individual, corporation, partnership, trust, or association in control of the qualified company;
- or
- (c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:
 - a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;
 - b. Ownership of at least fifty percent of the capital or profit interest in such qualified company if it is a partnership or association;
 - c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;
- (33) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;
- (34) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(35) "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(36) "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(37) "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(38) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.

2. This section is subject to the provisions of section 196.1127.

620.2010. RETENTION OF WITHHOLDING TAX FOR NEW JOBS, WHEN — TAX CREDITS AUTHORIZED, REQUIREMENTS — ALTERNATE INCENTIVES. — 1. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (38) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval.

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection or a qualified manufacturing company under subsection 3 of this section, the department shall consider the following factors:

(1) The significance of the qualified company's need for program benefits;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, manufacturing capital investment, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed.

3. (1) The department may award tax credits to a qualified manufacturing company that makes a manufacturing capital investment of at least five hundred million dollars not more than three years following the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 4 of this section. Such tax credits shall be issued no earlier than January 1, 2023, and may be issued each year for a period of five years. A qualified manufacturing company may qualify for an additional five-year period under this subsection if it makes an additional manufacturing capital investment of at least two hundred fifty million dollars within five years of the department's approval of the original notice of intent.

(2) The maximum amount of tax credits that any one qualified manufacturing company may receive under this subsection shall not exceed five million dollars per calendar year. The aggregate amount of tax credits awarded to all qualified manufacturing companies under this subsection shall not exceed ten million dollars per calendar year.

(3) If, at the project facility at any time during the project period, the qualified manufacturing company discontinues the manufacturing of the new product, or discontinues the modification or expansion of an existing product, and does not replace it with a subsequent or additional new product or with a modification or expansion of an existing product, the company shall immediately cease receiving any benefit awarded under this subsection for the remainder of the project period and shall forfeit all rights to retain or receive any benefit awarded under this subsection for the remainder of such period.

(4) Notwithstanding any other provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850 for the jobs created or retained or capital improvement that qualified for benefits under this section. The provisions of subsection 5 of section 285.530 shall not apply to a qualified manufacturing company that is awarded benefits under this section.

4. Upon approval of a notice of intent to receive tax credits under subsection 2, 3, 6, or 7 of this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of new jobs, new payroll, and new capital investment, or the manufacturing capital investment and committed percentage of retained jobs for each year during the project period;

(2) The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval of the notice of intent;

(3) Clawback provisions, as may be required by the department;

(4) Financial guarantee provisions as may be required by the department, provided that financial guarantee provisions shall be required by the department for tax credits awarded under subsection 7 of this section; and

(5) Any other provisions the department may require.

5. In lieu of the benefits available under sections 1 and 2 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified

company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (38) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 equal to:

(1) Six percent of new payroll for a period of five years from the date the required number of new jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage of the county in which the project facility is located; or

(2) Seven percent of new payroll for a period of five years from the date the required number of jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred forty percent of the county average wage of the county in which the project facility is located.

The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subsection and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subsection.

6. In addition to the benefits available under subsection 5 of this section, the department may award a qualified company that satisfies the provisions of subsection 5 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than three percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section.

7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs and new capital investment created by the program, the department may award a qualified company that satisfies the provisions of subdivision (1) of subsection 1 of this section tax credits, issued within one year following the qualified company's acceptance of the department's proposal for benefits, in an amount equal to or less than nine percent of new payroll. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section and the qualified company's commitment to new capital investment and new job creation within the state for a period of not less than ten years. For the purposes of this subsection, each qualified company shall have an average wage of the new payroll that equals or exceeds one hundred percent of the county average wage. Notwithstanding the provisions of section 620.2020 to the contrary, this subsection, shall expire on June 30, 2025.

8. No benefits shall be available under this section for any qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to the project, or has publicly announced its intention to make new capital investment or manufacturing capital investment at the project facility prior to receipt of a proposal for benefits under this section or approval of its notice of intent, whichever occurs first.

9. In lieu of any other benefits under this chapter, the department of economic development may award a tax credit to an industrial development authority for a qualified military project in an amount

equal to the estimated withholding taxes associated with the **part-time and full-time** civilian and military new jobs located at the facility and directly impacted by the project. The amount of the tax credit shall be calculated by multiplying:

- (1) The average percentage of tax withheld, as provided by the department of revenue to the department of economic development;
- (2) The average salaries of the jobs directly created by the qualified military project; and
- (3) The number of jobs directly created by the qualified military project.

If the amount of the tax credit represents the least amount necessary to accomplish the qualified military project, the tax credits may be issued, but no tax credits shall be issued for a term longer than fifteen years. No qualified military project shall be eligible for tax credits under this subsection unless the department of economic development determines the qualified military project shall achieve a net positive fiscal impact to the state.

SECTION B. EMERGENCY CLAUSE. — Because of the importance of military jobs to the state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved April 22, 2021

SB 5

Enacts provisions relating to advanced industrial manufacturing zones.

AN ACT to repeal section 68.075, RSMo, and to enact in lieu thereof one new section relating to advanced industrial manufacturing zones.

SECTION

- A Enacting clause.
- 68.075 AIM zones — definitions — establishment, boundaries — retention of tax withholdings on new jobs, amount — fund created, use of moneys — approval of projects — expiration date.

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

SECTION A. ENACTING CLAUSE. — Section 68.075, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 68.075, to read as follows:

68.075. AIM ZONES — DEFINITIONS — ESTABLISHMENT, BOUNDARIES — RETENTION OF TAX WITHHOLDINGS ON NEW JOBS, AMOUNT — FUND CREATED, USE OF MONEYS — APPROVAL OF PROJECTS — EXPIRATION DATE. — 1. This section shall be known and may be cited as the "Advanced Industrial Manufacturing Zones Act".

2. As used in this section, the following terms shall mean:

- (1) "AIM zone", an area identified through a resolution passed by the port authority board of commissioners appointed under section 68.045 that is being developed or redeveloped for any purpose so long as any infrastructure and building built or improved is in the development area. The port authority board of commissioners shall file an annual report indicating the established AIM zones with the department of revenue;

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

(2) "County average wage", the average wage in each county as determined by the Missouri department of economic development for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(3) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee that spends less than fifty percent of the employee's work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the county average wage;

(4) "Related facility", a facility operated by a company or a related company prior to the establishment of the AIM zone in question located within any port district, as defined under section 68.015, which is directly related to the operations of the facility within the new AIM zone.

3. Any port authority located in this state may establish an AIM zone. Such zone may only include the area within the port authority's jurisdiction, ownership, or control, and may include any such area. The port authority shall determine the boundaries for each AIM zone, and more than one AIM zone may exist within the port authority's jurisdiction or under the port authority's ownership or control, and may be expanded or contracted by resolution of the port authority board of commissioners.

4. Fifty percent of the state tax withholdings imposed by sections 143.191 to 143.265 on new jobs within such zone after development or redevelopment has commenced shall not be remitted to the general revenue fund of the state of Missouri. Such moneys shall be deposited into the port authority AIM zone fund established under subsection 5 of this section for the purpose of continuing to expand, develop, and redevelop AIM zones identified by the port authority board of commissioners and may be used for managerial, engineering, legal, research, promotion, planning, satisfaction of bonds issued under section 68.040, and any other expenses.

5. There is hereby created in the state treasury the "Port Authority AIM Zone Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180 to the port authorities from which the funds were collected, less the pro-rata portion appropriated by the general assembly to be used solely for the administration of this section which shall not exceed ten percent of the total amount collected within the zones of a port authority. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The port authority shall approve any projects that begin construction and disperse any money collected under this section. The port authority shall submit an annual budget for the funds to the department of economic development explaining how and when such money will be spent.

7. The provision of section 23.253 notwithstanding, no AIM zone may be established after August 28, [2023] **2030**. Any AIM zone created prior to that date shall continue to exist and be coterminous with the retirement of all debts incurred under subsection 4 of this section. No debts may be incurred or reauthorized using AIM zone revenue after August 28, [2023] **2030**.

Approved July 6, 2021

HCS SS SB 6

Enacts provisions relating to insurance, with existing penalty provisions.

AN ACT to repeal sections 303.220, 304.153, 319.131, 375.018, 375.246, 376.421, 379.120, 382.010, 382.110, 382.230, 384.043, 385.220, and 385.320, RSMo, and to enact in lieu thereof twenty-eight new sections relating to insurance, with existing penalty provisions.

SECTION

- A Enacting clause.
- 41.201 Use of state-owned vehicles, Missouri National Guard members considered state employees — exception.
- 303.220 Certificate of self-insurance — cancelled, when.
- 304.153 Tow companies or tow lists, utilization of by law enforcement and state transportation employees—definitions—requirements—unauthorized towing, penalty—inapplicability.
- 319.131 Owners of tanks containing petroleum products may elect to participate — advisory committee, members, duties — applications, content, standards and tests — financial responsibility — deductible — fund not liability of state — defense of third-party claims — ineligible sites — tanks owned by certain school districts — damages covered, limitation.
- 375.018 Issuance of producer's license, duration — lines of authority — biennial renewal fee for agents, due when — reinstatement of license, when — failure to comply, effect — rulemaking authority.
- 375.029 Continuing education credit, participation in professional insurance association qualifies, when, hours — rulemaking authority.
- 375.246 Reinsurance, when allowed as an asset or reduction from liability.
- 376.421 Group health insurance, authorized categories.
- 376.2080 Funding agreement defined — authority to issue — rulemaking authority.
- 379.120 Explanation of refusal to write a policy, how given, contents — exemption, when.
- 379.1800 Description of authorized group personal lines property and casualty insurance — requirements.
- 379.1803 Master policy issuance, certificates — content of master policy.
- 379.1806 Basic package of coverages and limits, additional coverages or limits — reduced coverage, when — coverage terminated, when — optional coverages or limits — stacking prohibited.
- 379.1809 Rating plan, master policy premium — rates not unfairly discriminatory, when — experience refunds or dividends, when.
- 379.1812 Loss and expense experience statistics — employee purchase of insurance not required — premium taxes, allocation of premiums.
- 379.1815 Licensure required for agent or broker of policies — exception for certain activities — countersignature requirements prohibited.
- 379.1818 Notice of termination, contents — conversion to individual policy, when — inapplicability.
- 379.1821 Licensure required for issuance of policies — inapplicability to mass marketing and certain policies — rulemaking authority.
- 379.1824 Effective date.
- 382.010 Definitions.
- 382.110 Registration, form, contents, exempted matter.
- 382.176 Group capital calculation, filing of report — exemptions — exceptions to the exemption.
- 382.177 Liquidity stress test, filing of — scope criteria — NAIC compliance.

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

- 382.230 Certain information confidential, exception — private civil action, director not required to testify — permissible acts of the director — misleading or materially false statements, certain information, remedy.
- 384.043 Licensing requirements for insurance producers, fee — examination, exception — renewal, when, violation, effect — national database, participation in — rulemaking authority.
- 385.220 Inapplicability.
- 385.320 Inapplicability.
- 385.450 Motor clubs — definitions — fees not subject to premium tax — inapplicability of certain insurance laws.

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

SECTION A. ENACTING CLAUSE. — Sections 303.220, 304.153, 319.131, 375.018, 375.246, 376.421, 379.120, 382.010, 382.110, 382.230, 384.043, 385.220, and 385.320, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 41.201, 303.220, 304.153, 319.131, 375.018, 375.029, 375.246, 376.421, 376.2080, 379.120, 379.1800, 379.1803, 379.1806, 379.1809, 379.1812, 379.1815, 379.1818, 379.1821, 379.1824, 382.010, 382.110, 382.176, 382.177, 382.230, 384.043, 385.220, 385.320, and 385.450, to read as follows:

41.201. USE OF STATE-OWNED VEHICLES, MISSOURI NATIONAL GUARD MEMBERS CONSIDERED STATE EMPLOYEES — EXCEPTION. — **Members of the Missouri National Guard shall be considered state employees for the purpose of operating state-owned vehicles for official state business, unless such members are called into active federal military service by order of the President under Title 10 of the United States Code.**

303.220. CERTIFICATE OF SELF-INSURANCE — CANCELLED, WHEN. — 1. Any religious denomination which has more than twenty-five members with motor vehicles and [prohibits] **discourages** its members from purchasing insurance, of any form, as being contrary to its religious tenets, may qualify as a self-insurer by obtaining a self-insurance certificate issued by the director as provided in subsection 3 of this section.

2. Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the director as provided in subsection 3 of this section.

3. The director may, in his discretion, upon the application of any religious denomination or person described in subsection 1 or 2 of this section, issue a certificate of self-insurance when he is satisfied that such religious denomination or person is possessed and will continue to be possessed of the ability to pay judgments obtained against such religious denomination or person.

4. Upon not less than ten days' notice and a hearing pursuant to such notice, the director may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

304.153. TOW COMPANIES OR TOW LISTS, UTILIZATION OF BY LAW ENFORCEMENT AND STATE TRANSPORTATION EMPLOYEES—DEFINITIONS—REQUIREMENTS—UNAUTHORIZED TOWING, PENALTY—INAPPLICABILITY. — 1. As used in this section, the following terms shall mean:

(1) "Law enforcement officer", any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) "Motor club", [an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle] **a legal entity that, in consideration of dues, assessments, or periodic payments of moneys, promises to provide motor club services to its members or subscribers in accordance with section 385.450;**

(3) "Patrol officer", a Missouri state highway patrol officer;

(4) "Tow list", a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

(5) "Tow management company", any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

(6) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

(7) "Towing", moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;

(8) "Towing company", any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010.

2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer's jurisdiction, or Missouri department of transportation employee, may utilize the services of a tow management company or tow list, provided:

(1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time;

(2) Notwithstanding any other provision of law or any regulation established pursuant to this section, an owner or operator's request for a specific towing company shall be honored by the Missouri state highway patrol unless:

(a) The requested towing company cannot or does not respond in a reasonable time, as determined by a law enforcement officer; or

(b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement officer.

3. A patrol officer shall not use a towing company located outside of Missouri under this section except under the following circumstances:

(1) A state or federal emergency has been declared; or

(2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a member, requests a specific out-of-state towing company.

4. A towing company shall not tow a vehicle to a location outside of Missouri without the consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which the driver or owner of the motor vehicle is a member.

5. Any towing company or tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, a Missouri department of transportation employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the scene of the accident, unless the towing company or tow truck operator is rendering emergency aid in the interest of public safety, or is operating during a declared state of emergency under section 44.100.

6. A tow truck operator that stops and tows a vehicle from the scene of an accident in violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or subsequent violation shall be

a class D felony. A violation of this section shall not preclude the tow truck operator from being charged with tampering under chapter 569.

7. The provisions of this section shall also apply to motor vehicles towed under section 304.155 or 304.157.

8. The provisions of this section shall not apply to counties of the third or fourth classification.

319.131. OWNERS OF TANKS CONTAINING PETROLEUM PRODUCTS MAY ELECT TO PARTICIPATE — ADVISORY COMMITTEE, MEMBERS, DUTIES — APPLICATIONS, CONTENT, STANDARDS AND TESTS — FINANCIAL RESPONSIBILITY — DEDUCTIBLE — FUND NOT LIABILITY OF STATE — DEFENSE OF THIRD-PARTY CLAIMS — INELIGIBLE SITES — TANKS OWNED BY CERTAIN SCHOOL DISTRICTS — DAMAGES COVERED, LIMITATION. — 1. Any owner or operator of one or more petroleum storage tanks may elect to participate in the petroleum storage tank insurance fund to meet the financial responsibility requirements of sections 319.114 and 414.036. Subject to regulations of the board of trustees, owners or operators may elect to continue their participation in the fund subsequent to the transfer of their property to another party. Current or former refinery sites or petroleum pipeline or marine terminals are not eligible for participation in the fund.

2. The board shall establish an advisory committee which shall be composed of insurers, owners and operators of petroleum storage tanks, and other interested parties. The advisory committee established pursuant to this subsection shall report to the board. The committee shall monitor the fund and recommend statutory and administrative changes as may be necessary to assure efficient operation of the fund. The committee, in consultation with the board and the department of commerce and insurance, shall report every two years to the general assembly on the availability and affordability of the private insurance market as a viable method of meeting the financial responsibilities required by state and federal law in lieu of the petroleum storage tank insurance fund.

3. (1) Except as otherwise provided by this section, any person seeking to participate in the insurance fund shall submit an application to the board of trustees and shall certify that the petroleum tanks meet or exceed and are in compliance with all technical standards established by the United States Environmental Protection Agency, except those standards and regulations pertaining to spill prevention control and counter-measure plans, and rules established by the Missouri department of natural resources and the Missouri department of agriculture. The applicant shall submit proof that the applicant has a reasonable assurance of the tank's integrity. Proof of tank integrity may include but not be limited to any one of the following: tank tightness test, electronic leak detection, monitoring wells, daily inventory reconciliation, vapor test or any other test that may be approved by the director of the department of natural resources or the director of the department of agriculture. The applicant shall submit evidence that the applicant can meet all applicable financial responsibility requirements of this section.

(2) A creditor, specifically a person who, without participating in and not otherwise primarily engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily for the purpose of, or in connection with, securing payment or performance of a loan or to protect a security interest in or lien on the tank or the property where the tank is located, or serves as trustee or fiduciary upon transfer or receipt of the property, may be a successor in interest to a debtor pursuant to this section, provided that the creditor gives notice of the interest to the insurance fund by certified mail, return receipt requested. Part of such notice shall include a copy of the lien, including but not limited to a security agreement or a deed of trust as appropriate to the property. The term "successor in interest" as provided in this section means a creditor to the debtor who had qualified real property in the insurance fund prior to the transfer of title to the creditor, and the term is limited to access to the insurance fund. The creditor may cure any of the debtor's defaults in payments required by the insurance fund, provided the specific real property originally qualified pursuant to this section. The creditor, or the creditor's subsidiary or affiliate, who forecloses or otherwise obtains legal title to such specific real property held as collateral

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for loans, guarantees or other credit, and which includes the debtor's aboveground storage tanks or underground storage tanks, or both such tanks shall provide notice to the fund of any transfer of creditor to subsidiary or affiliate. Liability pursuant to sections 319.100 to 319.137 shall be confined to such creditor or such creditor's subsidiary or affiliate. A creditor shall apply for a transfer of coverage and shall present evidence indicating a lien, contractual right, or operation of law permitting such transfer, and may utilize the creditor's affiliate or subsidiary to hold legal title to the specific real property taken in satisfaction of debts. Creditors may be listed as insured or additional insured on the insurance fund, and not merely as mortgagees, and may assign or otherwise transfer the debtor's rights in the insurance fund to the creditor's affiliate or subsidiary, notwithstanding any limitations in the insurance fund on assignments or transfer of the debtor's rights.

(3) Any person participating in the fund shall annually submit an amount established pursuant to subsection 1 of section 319.133 which shall be deposited to the credit of the petroleum storage tank insurance fund.

4. Any person making a claim pursuant to this section and sections 319.129 and 319.133 shall be liable for the first ten thousand dollars of the cost of cleanup associated with a release from a petroleum storage tank without reimbursement from the fund. The petroleum storage tank insurance fund shall assume all costs, except as provided in subsection 5 of this section, which are greater than ten thousand dollars but less than one million dollars per occurrence or two million dollars aggregate per year. The liability of the petroleum storage tank insurance fund is not the liability of the state of Missouri. The provisions of sections 319.100 to 319.137 shall not be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610 nor to abolish or waive any defense which might otherwise be available to the state or to any person. The presence of existing contamination at a site where a person is seeking insurance in accordance with this section shall not affect that person's ability to participate in this program, provided the person meets all other requirements of this section. Any person who qualifies pursuant to sections 319.100 to 319.137 and who has requested approval of a project for remediation from the fund, which request has not yet been decided upon shall annually be sent a status report including an estimate of when the project may expect to be funded and other pertinent information regarding the request.

5. The fund shall provide coverage for third-party claims involving property damage or bodily injury caused by leaking petroleum storage tanks whose owner or operator is participating in the fund at the time the release occurs or is discovered. Coverage for third-party property damage or bodily injury shall be in addition to the coverage described in subsection 4 of this section but the total liability of the petroleum storage tank insurance fund for all cleanup costs, property damage, and bodily injury shall not exceed one million dollars per occurrence or two million dollars aggregate per year. The fund shall not compensate an owner or operator for repair of damages to property beyond that required to contain and clean up a release of a regulated substance or compensate an owner or operator or any third party for loss or damage to other property owned or belonging to the owner or operator, or for any loss or damage of an intangible nature, including, but not limited to, loss or interruption of business, pain and suffering of any person, lost income, mental distress, loss of use of any benefit, or punitive damages.

6. [The fund shall, within limits specified in this section, assume costs of third-party claims and cleanup of contamination caused by releases from petroleum storage tanks.] **In addition to other coverage limits in this section, the fund shall provide the defense of eligible third-party claims including the negotiations of any settlement and may specify a legal defense cost coverage limit.**

7. Nothing contained in sections 319.100 to 319.137 shall be construed to abrogate or limit any right, remedy, causes of action, or claim by any person sustaining personal injury or property damage as a result of any release from any type of petroleum storage tank, nor shall anything contained in sections 319.100 to 319.137 be construed to abrogate or limit any liability of any person in any way responsible for any release from a petroleum storage tank or any damages for personal injury or property damages caused by such a release.

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8. (1) The fund shall provide moneys for cleanup of contamination caused by releases from petroleum storage tanks, the owner or operator of which is participating in the fund or the owner or operator of which has made application for participation in the fund by December 31, 1997, regardless of when such release occurred, provided that those persons who have made application are ultimately accepted into the fund. Applicants shall not be eligible for fund benefits until they are accepted into the fund. This section shall not preclude the owner or operator of petroleum storage tanks coming into service after December 31, 1997, from making application to and participating in the petroleum storage tank insurance fund.

(2) Notwithstanding the provisions of section 319.100 and the provisions of subdivision (1) of this section, the fund shall provide moneys for cleanup of contamination caused by releases from petroleum storage tanks owned by school districts all or part of which are located in a county of the third classification without a township form of government and having a population of more than ten thousand seven hundred but less than eleven thousand inhabitants, and which make application for participation in the fund by August 28, 1999, regardless of when such release occurred. Applicants shall not be eligible for fund benefits until they are accepted into the fund, and costs incurred prior to that date shall not be eligible expenses.

9. (1) The fund shall provide moneys for cleanup of contamination caused by releases from underground storage tanks which contained petroleum and which have been taken out of use prior to December 31, 1997, provided such sites have been documented by or reported to the department of natural resources prior to December 31, 1997, and provided further that the fund shall make no reimbursements for expenses incurred prior to August 28, 1995. The fund shall also provide moneys for cleanup of contamination caused by releases from underground storage tanks which contained petroleum and which have been taken out of use prior to December 31, 1985, if the current owner of the real property where the tanks are located purchased such property before December 31, 1985, provided such sites are reported to the fund on or before June 30, 2000. The fund shall make no payment for expenses incurred at such sites prior to August 28, 1999. Nothing in sections 319.100 to 319.137 shall affect the validity of any underground storage tank fund insurance policy in effect on August 28, 1996.

(2) An owner or operator who submits a request as provided in this subsection is not required to bid the costs and expenses associated with professional environmental engineering services. The board may disapprove all or part of the costs and expenses associated with the environmental engineering services if the costs are excessive based upon comparable service costs or current market value of similar services. The owner or operator shall solicit bids for actual remediation and cleanup work as provided by rules of the board.

(3) After December 31, 2017, the current legal owner of the site shall be the responsible party for corrective action, pursuant to section 319.109, of any releases from underground storage tanks described in this subsection, provided the creditor, who is a successor in interest as provided in subdivision (2) of subsection 3 of this section, is subject to no greater or lesser responsibility for corrective action than such successor in interest would have on or before December 31, 2017. Nothing in this subdivision shall in any way be construed to alter, alleviate, or modify in any manner any liabilities that the fund has to pay for in cleaning up the site.

10. (1) The fund shall provide moneys for cleanup of contamination caused by releases from aboveground storage tanks utilized for the sale of products regulated by chapter 414 which have been taken out of use prior to December 31, 1997, provided such sites have been documented by or reported to the department of natural resources prior to December 31, 1997, and provided further that the fund shall make no reimbursements for expenses incurred prior to July 1, 1997.

(2) After December 31, 2017, the current legal owner of the site shall be the responsible party for corrective action of any releases from aboveground storage tanks described in this subsection, provided the creditor, who is a successor in interest as provided in subdivision (2) of subsection 3 of this section,

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is subject to no greater or lesser responsibility for corrective action than such successor in interest would have on or before December 31, 2017. Nothing in this subdivision shall in any way be construed to alter, alleviate, or modify in any manner any liabilities that the fund has to pay for in cleaning up the site.

375.018. ISSUANCE OF PRODUCER'S LICENSE, DURATION — LINES OF AUTHORITY — BIENNIAL RENEWAL FEE FOR AGENTS, DUE WHEN — REINSTATEMENT OF LICENSE, WHEN — FAILURE TO COMPLY, EFFECT — RULEMAKING AUTHORITY. — 1. Unless denied licensure pursuant to section 375.141, persons who have met the requirements of sections 375.014, 375.015 and 375.016 shall be issued an insurance producer license for a term of two years. An insurance producer may qualify for a license in one or more of the following lines of authority:

(1) Life insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;

(2) Accident and health or sickness insurance coverage for sickness, bodily injury or accidental death and may include benefits for disability income;

(3) Property insurance coverage for the direct or consequential loss or damage to property of every kind;

(4) Casualty insurance coverage against legal liability, including that for death, injury or disability or damage to real or personal property;

(5) Variable life and variable annuity products insurance coverage provided under variable life insurance contracts and variable annuities;

(6) Personal lines property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes;

(7) Credit-limited line credit insurance;

(8) Any other line of insurance permitted under state laws or regulations.

2. Any insurance producer who is certified by the Federal Crop Insurance Corporation on September 28, 1995, to write federal crop insurance shall not be required to have a property license for the purpose of writing federal crop insurance.

3. The biennial renewal fee for a producer's license is one hundred dollars for each license. A producer's license shall be renewed biennially on the [anniversary] **birth** date of [issuance] **the producer** and continue in effect until refused, revoked, or suspended by the director in accordance with section 375.141.

4. An individual insurance producer who allows his or her license to expire may, within twelve months from the due date of the renewal fee, reinstate the same license without the necessity of passing a written examination. The insurance producer seeking relicensing pursuant to this subsection shall provide proof that the continuing education requirements have been met and shall pay a penalty of twenty-five dollars per month that the license was expired in addition to the requisite renewal fees that would have been paid had the license been renewed in a timely manner. Nothing in this subsection shall require the director to relicense any insurance producer determined to have violated the provisions of section 375.141.

5. A business entity insurance producer that allows the license to expire may, within twelve months of the due date of the renewal, reinstate the license by paying the license fee that would have been paid had the license been renewed in a timely manner plus a penalty of twenty-five dollars per month that the license was expired.

6. The license shall contain the name, address, identification number of the insurance producer, the date of issuance, the lines of authority, the expiration date and any other information the director deems necessary.

7. Insurance producers shall inform the director by any means acceptable to the director of a change of address within thirty days of the change. Failure to timely inform the director of a change in legal name or address may result in a forfeiture not to exceed the sum of ten dollars per month.

8. In order to assist the director in the performance of his or her duties, the director may contract with nongovernmental entities, including the National Association of Insurance Commissioners or any affiliates or subsidiaries that the organization oversees or through any other method the director deems appropriate, to perform any ministerial functions, including the collection of fees, related to producer licensing that the director may deem appropriate.

9. Any bank or trust company in the sale or issuance of insurance products or services shall be subject to the insurance laws of this state and rules adopted by the department of commerce and insurance.

10. A licensed insurance producer who is unable to comply with license renewal procedures due to military service or some other extenuating circumstance, such as a long-term medical disability, may request a waiver of those procedures. The producer may also request a waiver of any other fine or sanction imposed for failure to comply with renewal procedures.

11. The director may promulgate rules using the authority granted under section 375.045 to assist in the implementation of this section, including prorating licensure periods so that all renewals after January 1, 2022, shall occur biennially on a licensee's birth date.

375.029. CONTINUING EDUCATION CREDIT, PARTICIPATION IN PROFESSIONAL INSURANCE ASSOCIATION QUALIFIES, WHEN, HOURS — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms mean:

(1) "Director", the director of the department of commerce and insurance;

(2) "Insurance producer", a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance.

2. (1) Subject to approval by the director, an insurance producer's active participation as an individual member or employee of a business entity producer member of a local, regional, state, or national professional insurance association may be approved for up to four hours of continuing education credit per each biennial reporting period.

(2) An insurance producer shall not use continuing education credit granted under this section to satisfy continuing education hours required to be completed in a classroom or classroom-equivalent setting or to satisfy any continuing education ethics requirements.

(3) The continuing education hours referenced in subdivision (1) of subsection 2 of this section shall be credited upon the timely filing with the director by the insurance producer of an appropriate written statement in a form acceptable to the director or by a certification from the local, regional, state, or national professional insurance association through written form or electronic filing acceptable to the director.

3. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

375.246. REINSURANCE, WHEN ALLOWED AS AN ASSET OR REDUCTION FROM LIABILITY.
— 1. Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of

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subdivisions (1) [to] , **(2), (3), (4), (5), (6), or (7)** of this subsection; **provided further, that the director may adopt by rule under subdivision (2) of subsection 4 of this section specific additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in subdivision (2) of subsection 4 of this section, or the circumstances under which credit will be reduced or eliminated.** Credit shall be allowed pursuant to subdivision (1), (2) or (3) of this subsection only as respects cessions of those kinds or classes of business which the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed pursuant to subdivision (3), (4), or (5) of this subsection only if the applicable requirements of subdivision [(7)] **(8)** have been satisfied.

(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is licensed to transact insurance in this state;

(2) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited by the director as a reinsurer in this state. In order to be eligible for accreditation, a reinsurer shall:

(a) File with the director evidence of its submission to this state's jurisdiction;

(b) Submit to the authority of the department of commerce and insurance to examine its books and records;

(c) Be licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien assuming insurer is entered through and licensed to transact insurance or reinsurance in at least one state;

(d) File annually with the director a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement; and

(e) Demonstrate to the satisfaction of the director that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet such requirement as of the time of its application if it maintains a surplus regarding policyholders in an amount not less than twenty million dollars and its accreditation has not been denied by the director within ninety days after submission of its application;

(3) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled in, or in the case of a United States branch of an alien assuming insurer is entered through, a state that employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or United States branch of an alien assuming insurer:

(a) Maintains a surplus as regards policyholders in an amount not less than twenty million dollars; except that this paragraph does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system; and

(b) Submits to the authority of the department of commerce and insurance to examine its books and records;

(4) (a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified United States financial institution, as defined in subdivision (2) of subsection 3 of this section, for the payment of the valid claims of its United States ceding insurers, their assigns and successors in interest. To enable the director to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the director information substantially the same as that required to be reported on the National Association of Insurance Commissioners' annual statement form by licensed insurers. The assuming insurer shall submit to examination of its books and records by the director.

(b) Credit for reinsurance shall not be granted pursuant to this subdivision unless the form of the trust and any amendments to the trust have been approved by:

a. The commissioner or director of the state agency regulating insurance in the state where the trust is domiciled; or

b. The commissioner or director of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

(c) The form of the trust and any trust amendments shall also be filed with the commissioner or director in every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the director.

(d) The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. No later than February twenty-eighth of each year the trustees of the trust shall report to the director in writing the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the next following December thirty-first.

(e) The following requirements apply to the following categories of assuming insurers:

a. The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by the United States ceding insurers, and, in addition, the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars, except as provided in subparagraph b. of this paragraph;

b. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the director with principal regulator oversight of the trust may authorize a reduction in the required trustee surplus, but only after a finding based on an assessment of risk that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors including, when applicable, the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus shall not be reduced to an amount less than thirty percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust;

c. In the case of a group of incorporated and individual unincorporated underwriters:

(i) For reinsurance ceded under reinsurance agreements with an inception, amendment or renewal date on or after January 1, 1993, the trust shall consist of a trustee account in an amount not less than the respective underwriter's several liabilities attributable to business ceded by United States domiciled ceding insurers to any underwriter of the group;

(ii) For reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this section, the trust shall consist of a trustee account in an amount not less than the respective underwriter's several insurance and reinsurance liabilities attributable to business in the United States; and

(iii) In addition to these trusts, the group shall maintain in trust a trustee surplus of which one hundred million dollars shall be held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all years of account;

d. The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members;

e. Within ninety days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the director an annual certification by the group's domiciliary

regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group;

(5) (a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the director as a reinsurer in this state and secures its obligations in accordance with the requirements of this subdivision.

(b) In order to be eligible for certification, the assuming insurer shall meet the following requirements:

a. The assuming insurer shall be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the director under paragraph (d) of this subdivision;

b. The assuming insurer shall maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the director by rule;

c. The assuming insurer shall maintain financial strength ratings from two or more rating agencies deemed acceptable by the director by rule;

d. The assuming insurer shall agree to submit to the jurisdiction of this state, appoint the director as its agent for service of process in this state, and agree to provide security for one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

e. The assuming insurer shall agree to meet applicable information filing requirements as determined by the director, both with respect to an initial application for certification and on an ongoing basis; and

f. The assuming insurer shall satisfy any other requirements for certification deemed relevant by the director.

(c) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. To be eligible for certification, in addition to satisfying requirements of paragraph (b) of this subdivision:

a. The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the director to provide adequate protection;

b. The incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

c. Within ninety days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the director:

(i) An annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or

(ii) If a certification is unavailable, financial statements prepared by independent public accountants of each underwriter member of the association.

(d) a. The director shall create and publish a list of qualified jurisdictions, under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the director as a certified reinsurer.

b. To determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the director shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the director with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction shall not be recognized as a qualified jurisdiction if the director has determined that the jurisdiction does not adequately and promptly enforce final United

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States judgments and arbitration awards. Additional factors may be considered at the discretion of the director.

c. The director may consider a list of qualified jurisdictions published by the National Association of Insurance Commissioners (NAIC) in determining qualified jurisdictions for the purposes of this section. If the director approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the director shall provide thoroughly documented justification in accordance with criteria to be developed by rule.

d. United States jurisdictions that meet the requirement for accreditation under the NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions.

e. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the director has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

(e) The director shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the director by rule. The director shall publish a list of all certified reinsurers and their ratings.

(f) a. A certified reinsurer shall secure obligations assumed from United States ceding insurers under this subdivision at a level consistent with its rating, as specified in regulations promulgated by the director.

b. For a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the director and consistent with the provisions of this section or in a multibeneficiary trust in accordance with paragraph (e) of subdivision (4) of this subsection, except as otherwise provided in this subdivision.

c. If a certified reinsurer maintains a trust to fully secure its obligations under paragraph (d) of subdivision (4) of this subsection and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other United States jurisdictions and for its obligations subject to paragraph (e) of subdivision (4) of this subsection. It shall be a condition to the grant of certification under this section that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the director with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.

d. The minimum trustee surplus requirements provided in paragraph (e) of subdivision (4) of this subsection are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this paragraph, except that such trust shall maintain a minimum trustee surplus of ten million dollars.

e. With respect to obligations incurred by a certified reinsurer under this paragraph, if the security is insufficient, the director shall order the certified reinsurer to provide sufficient security for such incurred obligations within thirty days. If a certified reinsurer does not provide sufficient security for its obligations incurred under this subsection within thirty days of being ordered to do so by the director, the director has the discretion to allow credit in the amount of the required security for one year. Following this one-year period, the director shall impose reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

f. (i) For purposes of this paragraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent of its obligations.

(ii) As used in this subparagraph, the term "terminated" refers to revocation, suspension, voluntary surrender, and inactive status.

(iii) If the director continues to assign a higher rating as permitted by other provisions of this subdivision, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

g. If an applicant for certification has been certified as a reinsurer in an NAIC-accredited jurisdiction, the director has the discretion to defer to that jurisdiction's certification and to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in this state.

h. A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the director shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

(6) Credit:

(a) Shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth below:

a. The assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction. A "reciprocal jurisdiction" is a jurisdiction that meets one of the following:

(i) A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union. For purposes of this subdivision, a "covered agreement" is an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. Sections 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance;

(ii) A United States jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or

(iii) A qualified jurisdiction, as determined by the director pursuant to paragraph (d) of subdivision (5) of this subsection, that is not otherwise described in item (i) or (ii) of this subparagraph and that meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the director by rule;

b. The assuming insurer shall have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth by rule. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, minimum capital and surplus equivalents, net of liabilities, calculated according to the methodology applicable to its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth by rule;

c. The assuming insurer shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, that shall be set forth by rule. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed;

d. The assuming insurer shall agree and provide adequate assurance to the director, in a form specified by the director by rule, as follows:

(i) The assuming insurer shall provide prompt written notice and explanation to the director if it falls below the minimum requirements set forth in subparagraphs b or c of this paragraph or if any regulatory action is taken against it for serious noncompliance with applicable law;

(ii) The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the director as agent for service of process. The director may require that consent for service of process be provided to the director and included in each reinsurance agreement. Nothing in this provision shall limit, or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;

(iii) The assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that has been declared enforceable in the jurisdiction where the judgment was obtained;

(iv) Each reinsurance agreement shall include a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

(v) The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement that involves this state's ceding insurers and agree to notify the ceding insurer and the director and to provide security in an amount equal to one hundred percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of subdivision (5) of this subsection and subsection 2 of this section and as specified by the director by rule;

e. The assuming insurer or its legal successor shall provide, if requested by the director, on behalf of itself and any legal predecessors, certain documentation to the director, as specified by the director by rule;

f. The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth by rule;

g. The assuming insurer's supervisory authority shall confirm to the director on an annual basis, as of the preceding December thirty-first or at the annual date otherwise statutorily reported to the reciprocal jurisdiction that the assuming insurer complies with the requirements set forth in subparagraphs b. and c. of this paragraph;

h. Nothing in this subdivision precludes an assuming insurer from providing the director with information on a voluntary basis;

(b) The director shall timely create and publish a list of reciprocal jurisdictions;

a. A list of reciprocal jurisdictions is published through the NAIC committee process. The director's list shall include any reciprocal jurisdiction as defined under items (i) and (ii) of subparagraph a. of paragraph (a) of this subdivision and shall consider any other reciprocal jurisdiction included on the NAIC list. The director may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed under rules promulgated by the director; and

b. The director may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth by rule promulgated by the director, except that the director shall not remove from the list a reciprocal jurisdiction as defined under item (i) and (ii) of subparagraph a. of paragraph (a) of this subdivision. Upon removal of a reciprocal jurisdiction

from this list credit for reinsurance ceded to an assuming insurer that has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed under this section;

(c) The director shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this subdivision and to which cessions shall be granted credit in accordance with this subdivision. The director may add an assuming insurer to such list if an NAIC accredited jurisdiction has added such assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the director as required under subparagraph d. of paragraph (a) of this subdivision and complies with any additional requirements that the director may adopt by rule, except to the extent that they conflict with an applicable covered agreement;

(d) If the director determines that an assuming insurer no longer meets one or more of the requirements under this subdivision, the director may revoke or suspend the eligibility of the assuming insurer for recognition under this subdivision in accordance with procedures set forth by rule;

a. While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit, except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subsection 2 of this section; and

b. If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the director and consistent with the provisions of subsection 2 of this section;

(e) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities;

(f) Nothing in this subdivision shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this section or other applicable law or regulation;

(g) Credit may be taken under this subdivision only for reinsurance agreements entered into, amended, or renewed on or after December 31, 2021, and only with respect to losses incurred and reserves reported on or after the later of the date on which the assuming insurer has met all eligibility requirements under paragraph (a) of this subdivision; or the effective date of the new reinsurance agreement, amendment, or renewal;

a. This paragraph shall not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subdivision, as long as the reinsurance qualifies for credit under any other applicable provision of this section;

b. Nothing in this subdivision shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement, except as permitted by the terms of the agreement; and

c. Nothing in this subdivision shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement;

(7) Credit:

(a) Shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of subdivision (1), (2), (3), (4), [or] (5), or (6) of this subsection, but only as to the insurance of risks located in a jurisdiction of the United States where the reinsurance is required by applicable law or regulation of that jurisdiction;

(b) May be allowed in the discretion of the director when the reinsurance is ceded to an assuming insurer not meeting the requirements of subdivision (1), (2), (3), (4), ~~or~~ (5), **or** (6) of this subsection, but only as to the insurance of risks located in a foreign country where the reinsurance is required by applicable law or regulation of that country;

~~[(7)]~~ **(8)** If the assuming insurer is not licensed, accredited, or certified to transact insurance or reinsurance in this state, the credit permitted by subdivisions (3) and (4) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(a) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer shall submit to the jurisdiction of the courts of this state, will comply with all requirements necessary to give such courts jurisdiction, and will abide by the final decisions of such courts or of any appellate courts in this state in the event of an appeal; and

(b) To designate the director or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding insurer. This paragraph is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement and the jurisdiction and situs of the arbitration is, with respect to any receivership of the ceding company, any jurisdiction of the United States;

~~[(8)]~~ **(9)** If the assuming insurer does not meet the requirements of subdivision (1), (2) or (3) of this subsection, the credit permitted by subdivision (4) or (5) of this subsection shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(a) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by paragraph (e) of subdivision (4) of this subsection, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner or director with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner or director with regulatory oversight all of the assets of the trust fund;

(b) The assets shall be distributed by and claims shall be filed with and valued by the commissioner or director with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;

(c) If the commissioner or director with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the commissioner or director with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and

(d) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this subsection.

~~[(9)]~~ **(10)** (a) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the director may suspend or revoke the reinsurer's accreditation or certification.

(b) The director shall give the reinsurer notice and opportunity for a hearing. The suspension or revocation shall not take effect until after the director's order on hearing, unless:

a. The reinsurer waives its right to hearing;

b. The director's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subdivision (5) of this subsection; or

c. The director finds that an emergency requires immediate action, and a court of competent jurisdiction has not stayed the commissioner's action.

(c) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with subdivision (5) of this subsection or subsection 2 of this section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance shall be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subdivision (5) of this subsection or subsection 2 of this section.

[(10)] (11) (a) A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the director within thirty days after reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers exceeds fifty percent of the domestic ceding insurer's last reported surplus to policyholders or after it is determined that reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers is likely to exceed such limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(b) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the director within thirty days after ceding to any single assuming insurer or group of affiliated assuming insurers more than twenty percent of the ceding insurer's gross written premium in the prior calendar year or after it has determined that the reinsurance ceded to any single assuming insurer or group of affiliated assuming insurers is likely to exceed such limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

2. An asset or reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of subsection 1 of this section shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer; **provided further, that the director may adopt by rule pursuant to subdivision (2) of subsection 4 of this section specific additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in subdivision (2) of subsection 4 of this section or the circumstances under which credit will be reduced or eliminated.** The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in subdivision (2) of subsection 3 of this section. This security may be in the form of:

(1) Cash;

(2) Securities listed by the securities valuation office of the National Association of Insurance Commissioners, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;

(3) (a) Clean, irrevocable, unconditional letters of credit issued or confirmed by a qualified United States financial institution, as defined in subdivision (1) of subsection 3 of this section, no later than December thirty-first of the year for which filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement.

(b) Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, shall continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs;

(4) Any other form of security acceptable to the director.

3. (1) For purposes of subdivision (3) of subsection 2 of this section, a "qualified United States financial institution" means an institution that:

(a) Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;

(b) Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies; and

(c) Has been determined by either the director, or the securities valuation office of the National Association of Insurance Commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the director.

(2) A "qualified United States financial institution" means, for purposes of those provisions of this law specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

(a) Is organized, or in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(b) Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

4. (1) The director may adopt rules and regulations implementing the provisions of this section.

(2) **The director is further authorized to adopt rules and regulations applicable to reinsurance arrangements described in paragraph (a) of this subdivision.**

(a) **A rule adopted under this subdivision may apply only to reinsurance relating to:**

a. Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;

b. Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

c. Variable annuities with guaranteed death or living benefits;

d. Long-term care insurance policies; or

e. Such other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance.

(b) **A rule adopted under subparagraphs a. or b. of paragraph (a) of this subdivision may apply to any treaty containing policies issued on or after January 1, 2015, or policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.**

(c) **A rule adopted under this subdivision may require the ceding insurer, in calculating the amounts or forms of security required to be held under rules promulgated under this authority, to use the valuation manual adopted in accordance with subsection 6 of section 376.380, including all amendments adopted thereto and in effect on the date as of which the calculation is made, to the extent applicable.**

(d) **A regulation adopted under this subdivision shall not apply to cessions to an assuming insurer that:**

a. Meets the conditions set forth in subdivision (6) of subsection 1 of this section, or if this state has not fully implemented provisions substantially equivalent to subdivision (6) of subsection 1 of this section by rule or otherwise, the assuming insurer is operating in accordance with provisions substantially equivalent to subdivision (6) of subsection 1 of this section in a minimum of five other states;

b. Is certified in this state; or

c. Maintains at least two hundred fifty million dollars in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is:

(i) Licensed in at least twenty-six states; or

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

(ii) Licensed in at least ten states and licensed or accredited in a total of at least thirty-five states.

(e) The authority to adopt regulations under this subdivision does not limit the director's general authority to adopt regulations under subdivision (1) of this subsection.

5. (1) The director shall disallow any credit as an asset or as a deduction from liability for any reinsurance found by him to have been arranged for the purpose principally of deception as to the ceding company's financial condition as of the date of any financial statement of the company. Without limiting the general purport of this provision, reinsurance of any substantial part of the company's outstanding risks contracted for in fact within four months prior to the date of any such financial statement and cancelled in fact within four months after the date of such statement, or reinsurance under which the assuming insurer bears no substantial insurance risk or substantial risk of net loss to itself, shall prima facie be deemed to have been arranged for the purpose principally of deception within the intent of this provision.

(2) (a) The director shall also disallow as an asset or deduction from liability to any ceding insurer any credit for reinsurance unless the reinsurance is payable to the ceding company, and if it be insolvent to its receiver, by the assuming insurer on the basis of the liability of the ceding company under the contracts reinsured without diminution because of the insolvency of the ceding company.

(b) Such payments shall be made directly to the ceding insurer or to its domiciliary liquidator except:

a. Where the contract of insurance or reinsurance specifically provides for payment to the named insured, assignee or named beneficiary of the policy issued by the ceding insurer in the event of the insolvency of the ceding insurer; or

b. Where the assuming insurer, with the consent of it and the direct insured or insureds in an assumption reinsurance transaction subject to sections 375.1280 to 375.1295, has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees.

(c) Notwithstanding paragraphs (a) and (b) of this subdivision, in the event that a life and health insurance guaranty association has made the election to succeed to the rights and obligations of the insolvent insurer under the contract of reinsurance, then the reinsurer's liability to pay covered reinsured claims shall continue under the contract of reinsurance, subject to the payment to the reinsurer of the reinsurance premiums for such coverage. Payment for such reinsured claims shall only be made by the reinsurer pursuant to the direction of the guaranty association or its designated successor. Any payment made at the direction of the guaranty association or its designated successor by the reinsurer will discharge the reinsurer of all further liability to any other party for such claim payment.

(d) The reinsurance agreement may provide that the domiciliary liquidator of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against such ceding insurer on the contract reinsured within a reasonable time after such claim is filed in the liquidation proceeding. During the pendency of such claim, any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated any defenses which it deems available to the ceding insurer, or its liquidator. Such expense may be filed as a claim against the insolvent ceding insurer to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer. Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.

6. To the extent that any reinsurer of an insurance company in liquidation would have been required under any agreement pertaining to reinsurance to post letters of credit or other security prior to an order of liquidation to cover such reserves reflected upon the last financial statement filed with a regulatory authority immediately prior to receivership, such reinsurer shall be required to post letters of credit or

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other security to cover reserves after a company has been placed in liquidation or receivership. If a reinsurer shall fail to post letters of credit or other security as required by a reinsurance agreement or the provisions of this subsection, the director may consider disallowing as a credit or asset, in whole or in part, any future reinsurance ceded to such reinsurer by a ceding insurance company that is incorporated under the laws of the state of Missouri.

7. The provisions of section 375.420 shall not apply to any action, suit or proceeding by a ceding insurer against an assuming insurer arising out of a contract of reinsurance effectuated in accordance with the laws of Missouri.

8. Notwithstanding any other provision of this section, a domestic insurer may take credit for reinsurance ceded either as an asset or a reduction from liability only to the extent such credit is allowed by the consistent application of either applicable statutory accounting principles adopted by the NAIC or other accounting principles approved by the director.

9. The director may suspend the accreditation, approval, or certification under subsection 1 of this section of any reinsurer for failure to comply with the applicable requirements of subsection 1 of this section after providing the affected reinsurer with notice and opportunity for hearing.

376.421. GROUP HEALTH INSURANCE, AUTHORIZED CATEGORIES. — 1. Except as provided in subsection 2 of this section, no policy of group health insurance shall be delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term employees shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships, if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term employees shall include the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term employees shall include retired employees, former employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term employees shall include elected or appointed officials;

(b) The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. Except as provided in paragraph (c) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, except those who reject such coverage in writing; and

(c) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer in a policy insuring fewer than ten employees and in a policy insuring ten or more employees if:

- a. Application is not made within thirty-one days after the date of eligibility for insurance; or
- b. The person voluntarily terminated the insurance while continuing to be eligible for insurance under the policy; or
- c. After the expiration of an open enrollment period during which the person could have enrolled for the insurance or could have elected another level of benefits under the policy;

(2) A policy issued to a creditor or its parent holding company or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee, trustees or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors with respect to their indebtedness subject to the following requirements:

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(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or creditors, or all of any class or classes thereof. The policy may provide that the term debtors shall include:

a. Borrowers of money or purchasers or lessees of goods, services, or property for which payment is arranged through a credit transaction;

b. The debtors of one or more subsidiary corporations; and

c. The debtors of one or more affiliated corporations, proprietorships or partnerships if the business of the policyholder and of such affiliated corporations, proprietorships or partnerships is under common control;

(b) The premium for the policy shall be paid either from the creditor's funds or from charges collected from the insured debtors, or from both. Except as provided in paragraph (c) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by insured debtors specifically for their insurance must insure all eligible debtors;

(c) An insurer may exclude any debtors as to whom evidence of individual insurability is not satisfactory to the insurer in a policy insuring fewer than ten debtors and in a policy insuring ten or more debtors if:

a. Application is not made within thirty-one days after the date of eligibility for insurance; or

b. The person voluntarily terminated the insurance while continuing to be eligible for insurance under the policy; or

c. After the expiration of an open enrollment period during which the person could have enrolled for the insurance or could have elected another level of benefits under the policy;

(d) The total amount of insurance payable with respect to an indebtedness shall not exceed the greater of the scheduled or actual amount of unpaid indebtedness to the creditor. The insurer may exclude any payments which are delinquent on the date the debtor becomes disabled as defined in the policy;

(e) The insurance may be payable to the creditor or to any successor to the right, title, and interest of the creditor. Such payment or payments shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of each such payment and any excess of insurance shall be payable to the insured or the estate of the insured;

(f) Notwithstanding the preceding provisions of this subdivision, insurance on agricultural credit transaction commitments may be written up to the amount of the loan commitment, and insurance on educational credit transaction commitments may be written up to the amount of the loan commitment less the amount of any repayments made on the loan;

(3) A policy issued to a labor union or similar employee organization, which shall be deemed to be the policyholder, to insure members of such union or organization for the benefit of persons other than the union or organization or any of its officials, representatives, or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union or organization, or all of any class or classes thereof;

(b) The premium for the policy shall be paid either from funds of the union or organization or from funds contributed by the insured members specifically for their insurance, or from both. Except as provided in paragraph (c) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, except those who reject such coverage in writing;

(c) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer in a policy insuring fewer than ten members and in a policy insuring ten or more members if:

a. Application is not made within thirty-one days after the date of eligibility for insurance; or

b. The person voluntarily terminated the insurance while continuing to be eligible for insurance under the policy; or

c. After the expiration of an open enrollment period during which the person could have enrolled for the insurance or could have elected another level of benefits under the policy;

(4) A policy issued to a trust, or to the trustee of a fund, established or adopted by two or more employers, or by one or more labor unions or similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustee shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes thereof. The policy may provide that the term employees shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term employees shall include the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term employees shall include retired employees, former employees and directors of a corporate employer. The policy may provide that the term employees shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship;

(b) The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons or by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons or from both the insured persons and the employer or union or similar employee organization. Except as provided in paragraph (c) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance, must insure all eligible persons except those who reject such coverage in writing;

(c) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer;

(5) A policy issued to an association or to a trust or to the trustees of a fund established, created and maintained for the benefit of members of one or more associations. The association or associations shall have at the outset a minimum of fifty members; shall have been organized and maintained in good faith [for purposes other than that of obtaining insurance; shall have been in active existence for at least two years]; shall have a constitution and bylaws which provide that the association or associations shall hold regular meetings not less than annually to further the purposes of the members; shall, except for credit unions, collect dues or solicit contributions from members; and shall provide the members with voting privileges and representation on the governing board and committees. The policy shall be subject to the following requirements:

(a) The policy may insure members of such association or associations, employees thereof, or employees of members, or one or more of the preceding, or all of any class or classes thereof for the benefit of persons other than the employee's employer;

(b) The premium for the policy shall be paid from funds contributed by the association or associations or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association, associations, or employer members;

(c) Except as provided in paragraph (d) of this subdivision, a policy on which no part of the premium is to be derived from funds contributed by the covered persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing;

(d) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer;

(e) If the health benefit plan, as defined in section 376.1350, is delivered, issued for delivery, continued or renewed, is providing coverage to any resident of this state, and is providing coverage to sole proprietors, self-employed persons, small employers as defined in subsection 2 of section 379.930, and large employers, the insurer providing the coverage to the association or trust or trustees of a fund established, created, and maintained for the benefit of members of one or more associations may be exempt from subdivision (1) of subsection 1 of section 379.936 as it relates to the association plans established under this section. The director shall find that an exemption would be in the public interest and approved and that additional classes of business may be approved under subsection 4 of section 379.934 if the director determines that the health benefit plan:

- a. Is underwritten and rated as a single employer;
- b. Has a uniform health benefit plan design option or options for all participating association members or employers;
- c. Has guarantee issue to all association members and all eligible employees, as defined in subsection 2 of section 379.930, of any participating association member company; and
- d. Complies with all other federal and state insurance requirements, including but not limited to the small employer health insurance and availability act under sections 379.930 to 379.952;

(6) A policy issued to a credit union or to a trustee or trustees or agent designated by two or more credit unions, which credit union, trustee, trustees or agent shall be deemed the policyholder, to insure members of such credit union or credit unions for the benefit of persons other than the credit union or credit unions, trustee or trustees, or agent or any of their officials, subject to the following requirements:

- (a) The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof;
- (b) The premium for the policy shall be paid by the policyholder from the credit union's funds and, except as provided in paragraph (c) of this subdivision, must insure all eligible members;
- (c) An insurer may exclude or limit the coverage on any member as to whom evidence of individual insurability is not satisfactory to the insurer;

(7) A policy issued to cover persons in a group where that group is specifically described by a law of this state as one which may be covered for group life insurance. The provisions of such law relating to eligibility and evidence of insurability shall apply.

2. Group health insurance offered to a resident of this state under a group health insurance policy issued to a group other than one described in subsection 1 of this section shall be subject to the following requirements:

(1) No such group health insurance policy shall be delivered in this state unless the director finds that:

- (a) The issuance of such group policy is not contrary to the best interest of the public;
 - (b) The issuance of the group policy would result in economies of acquisition or administration;
- and

(c) The benefits are reasonable in relation to the premiums charged;

(2) No such group health insurance coverage may be offered in this state by an insurer under a policy issued in another state unless this state or another state having requirements substantially similar to those contained in subdivision (1) of this subsection has made a determination that such requirements have been met;

(3) The premium for the policy shall be paid either from the policyholder's funds, or from funds contributed by the covered persons, or from both;

(4) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

3. As used in this section, insurer shall have the same meaning as the definition of health carrier under section 376.1350, and "class" means a predefined group of persons eligible for coverage under a group insurance policy where members of a class represent the same or essentially the same hazard;

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

except that, an insurer may offer a policy to an employer that charges a reduced premium rate or deductible for employees who do not smoke or use tobacco products as authorized under section 290.145, and such insurer shall not be considered to be in violation of any unfair trade practice, as defined in section 379.936, even if only some employers elect to purchase such a policy and other employers do not.

376.2080. FUNDING AGREEMENT DEFINED — AUTHORITY TO ISSUE — RULEMAKING AUTHORITY. — 1. As used in this chapter and chapter 375, the term "funding agreement" means an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts that are not based on mortality or morbidity contingencies of the person to whom the funding agreement is issued. A funding agreement shall not be deemed to constitute a security, as such term is defined in section 409.1-102.

2. A life insurance company formed under this chapter may issue funding agreements. The issuance of a funding agreement shall be deemed to be doing insurance business.

3. The director may promulgate rules as necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

379.120. EXPLANATION OF REFUSAL TO WRITE A POLICY, HOW GIVEN, CONTENTS — EXEMPTION, WHEN. — 1. If any insurer refuses to write a policy of automobile insurance, it shall, within thirty days after such refusal, send a written explanation of such refusal to the applicant at his last known address. Notice shall be sent by United States Postal Service certified mail, certificate of mailing, first class mail using Intelligent Mail barcode (IMb), or another mail tracking method used, approved, or accepted by the United States Postal Service. The explanation shall state:

(1) The insurer's actual reason for refusing to write the policy, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits", "living conditions", "poor morals", or "violation or accident record" shall not suffice to meet the requirements of this subdivision;

(2) That the applicant may be eligible for insurance through the assigned risk plan if other insurance is not available.

2. An insurer shall be exempt from the requirements of subsection 1 of this section if the applicant is written on a policy of automobile insurance issued by an affiliate or subsidiary within the same insurance holding company system.

379.1800. DESCRIPTION OF AUTHORIZED GROUP PERSONAL LINES PROPERTY AND CASUALTY INSURANCE — REQUIREMENTS. — 1. Except as provided in subsection 2 of this section, no policy of group personal lines property and casualty insurance shall be issued or delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer or all of any class or classes thereof. The policy may provide that the term "employees"

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

shall include the employees of one or more subsidiary corporations and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships, or partnerships if the business of the employer and of the affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietorship, or partnership. The policy may provide that the term "employees" shall include directors of a corporate employer and retired employees. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials; and

(b) The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. A policy on which no part of the premium is to be derived from funds contributed by the insured employees shall insure all eligible employees, except those who reject such coverage in writing;

(2) A policy issued to a labor union or similar employee organization, which shall be deemed to be the policyholder, to insure members of the union or organization for the benefit of persons other than the union or organization or any of its officials, representatives or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union or organization or all of any class or classes thereof; and

(b) The premium for the policy shall be paid from funds of the union or organization, from funds contributed by the insured members specifically for their insurance, or from both. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance shall insure all eligible members, except those who reject such coverage in writing;

(3) A policy issued to a trust, or to the trustees of a fund, established or adopted by two or more employers, or by one or more labor unions or similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations or all of any class or classes thereof. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships, or partnerships if the business of the employer and of such affiliated corporations, proprietorships, or partnerships is under common control. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term "employees" shall include directors of a corporate employer and retired employees. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship; and

(b) The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons, by the union or unions or similar employee organizations, or by both; from funds contributed by the insured persons; from both the insured persons and the employers; or unions or similar employee organizations. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance shall insure all eligible persons, except those who reject such coverage in writing; and

(4) A policy issued to an association or to a trust or to the trustees of a fund established, created, or maintained for the benefit of members of one or more associations. The association or associations shall have at the outset a minimum of one hundred persons and have been

organized and maintained in good faith for purposes other than that of obtaining insurance, shall have been in active existence for at least one year, and shall have a constitution and bylaws that provide:

- (a) The association or associations hold regular meetings not less than annually to further purposes of the members;
- (b) The association or associations collect dues or solicit contributions from members; and
- (c) The members have voting privileges and representation on the governing board and committees.

Policies under this subdivision shall be subject to the following requirements:

- a. The policy may insure members of the association or associations, employees thereof or employees of members, or one or more of the preceding or all of any class or classes thereof for the benefit of persons other than the employees' employer;
- b. The premium for the policy shall be paid from funds contributed by the association or associations, by employer members, or by both; from funds contributed by the insured persons or from both the insured persons and the association; associations; or employer members. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance shall insure all eligible persons, except those who reject such coverage in writing; and
- c. If compensation of any kind will or may be paid to the policyholder in connection with the group policy, the insurer shall cause to be distributed to prospective insureds a written notice that compensation will or may be paid. Such notice shall be distributed:
 - (i) Whether compensation is direct or indirect; and
 - (ii) Whether such compensation is paid to or retained by the policyholder or paid to or retained by a third party at the direction of the policyholder or any entity affiliated with the policyholder by ownership, contract, or employment.

The notice required by this subparagraph shall be placed on or accompany any document designed for the enrollment of prospective insureds;

Under this subsection, the definition of an eligible employee or member may include the spouse of the eligible employee or member.

2. Group personal lines property and casualty insurance offered to a resident of this state under a group personal lines property and casualty insurance policy issued or delivered to a group other than one described in subsection 1 of this section shall be subject to the following requirements:

- (1) No such group personal lines property and casualty insurance policy shall be issued or delivered in this state unless the director finds that:
 - (a) The issuance of the group policy is not contrary to the best interest of the public;
 - (b) The issuance of the group policy would result in economies of acquisition or administration; and
 - (c) The benefits are reasonable in relation to the premiums charged;
- (2) No group personal lines property and casualty insurance coverage shall be offered in this state by an insurer under a policy issued or delivered in another state unless this state or another state having requirements substantially similar to those contained in subdivision (1) of this subsection has made a determination that the requirements have been met;
- (3) The premium for a group personal lines property and casualty policy shall be paid from the policyholder's funds, from funds contributed by the covered persons, or from both; and

(4) If compensation of any kind will or may be paid to the policyholder in connection with the group policy, the insurer shall cause to be distributed to prospective insureds a written notice that compensation will or may be paid. Notice shall be distributed:

(a) Whether compensation is direct or indirect; and

(b) Whether such compensation is paid to or retained by the policyholder or paid to or retained by a third party at the direction of the policyholder or any entity affiliated with the policyholder by ownership, contract, or employment.

The notice required by this subsection shall be placed on or accompany any document designed for the enrollment of prospective insureds.

379.1803. MASTER POLICY ISSUANCE, CERTIFICATES — CONTENT OF MASTER POLICY. —

1. A master policy shall be issued to the policyholder. Eligible employees or members insured under the master policy shall receive certificates of coverage setting forth a statement as to the insurance protection to which they are entitled.

2. No master policy or certificate of insurance shall be issued or delivered in this state unless the master policy form; together with all forms for riders, certificates, and endorsements to the master policy form; shall have met the applicable filing requirements in this state. No subsequent amendments to the master policy form or forms for riders, certificates, and endorsements to the master policy form shall be issued or delivered until they have met the applicable filing requirements in this state.

3. The master policy shall set forth the coverages, exclusions, and conditions of the insurance provided therein, together with the terms and conditions of the agreement between the policyholder and the insurer. The master policy shall make express provisions for the following:

(1) Methods of premium collection;

(2) Enrollment period, effective date provisions, and eligibility standards for employees or members;

(3) Termination of the master policy; and

(4) Conversion privileges of the employees or members.

4. If the master policy provides for remittance of premium by the policyholder, failure of the policyholder to remit premiums when due shall not be regarded as nonpayment of premium by the employee or member who has made his or her contribution on a timely basis.

379.1806. BASIC PACKAGE OF COVERAGES AND LIMITS, ADDITIONAL COVERAGES OR LIMITS — REDUCED COVERAGE, WHEN — COVERAGE TERMINATED, WHEN — OPTIONAL COVERAGES OR LIMITS — STACKING PROHIBITED. — 1. The master policy shall provide a basic package of coverages and limits that are available to all eligible employees or members. The package shall include at least the minimum coverages and limits of insurance as required by law in that employee's or member's state of residence or in the state where the subject property is located, if applicable. In addition, the master policy may provide additional coverages or limits to be available at an increased premium to employees or members who qualify under the terms of the master policy.

2. The master policy shall provide coverage for all eligible employees or members who elect coverage during their initial period of eligibility, which period shall not be less than thirty-one days. Employees or members who do not elect coverage during the initial period and later request coverage shall be subject to the insurer's underwriting standards.

3. Coverage under the master policy may be reduced only as to all members of a class and shall never be reduced to a level below the limits required by applicable law.

4. Coverage under the master policy may be terminated as to an employee or member only for:

- (1) Failure of the employee or member to make required premium contributions;
- (2) Termination of the master policy in its entirety or as to the class to which the employee or member belongs;
- (3) Discontinuance of the employee's or member's membership in a class eligible for coverage; or
- (4) Termination of employment or membership.

5. If optional coverages or limits are available by law in an employee's or member's state of residence, the policyholder's acceptance or rejection of the optional coverages or limits on behalf of the group shall be binding on the employees or members. If the policyholder rejects any coverages or limits that are required by law to be provided unless rejected by the named insured, notice of the rejection shall be given to the employees or members at or before the time their certificates of coverage are delivered.

6. Stacking of coverages or limits among separate certificates of insurance is prohibited under a master policy of group personal lines property and casualty insurance; except that, if separate certificates under the same master policy are issued to relatives living in the same household, the state law pertaining to stacking of individual policies shall apply to those certificates.

379.1809. RATING PLAN, MASTER POLICY PREMIUM — RATES NOT UNFAIRLY DISCRIMINATORY, WHEN — EXPERIENCE REFUNDS OR DIVIDENDS, WHEN. — 1. No master policy or certificate of insurance shall be issued or delivered in this state unless the rating plan and amendments thereto used in the determination of the master policy premium have met the applicable filing requirements in this state.

2. Group insurance premium rates shall not be deemed unfairly discriminatory if adjusted to reflect past and prospective loss experience or group expense factors or if averaged broadly among persons insured under the master policy. Nor shall such rates be deemed to be unfairly discriminatory if they do not reflect individual rating factors, including surcharges and discounts required for individual personal lines property and casualty insurance policies.

3. Experience refunds or dividends may be paid to the policyholder of a group personal lines property and casualty insurance policy if the insurer's experience under that policy justifies experience refunds or dividends. However, if an experience refund or dividend is declared, it shall be applied by the policyholder for the sole benefit of the insured employees or members to the extent that the experience refund or dividend exceeds the policyholder's contribution to premium for the period covered by such experience refund or dividend.

379.1812. LOSS AND EXPENSE EXPERIENCE STATISTICS — EMPLOYEE PURCHASE OF INSURANCE NOT REQUIRED — PREMIUM TAXES, ALLOCATION OF PREMIUMS. — 1. An insurer issuing or delivering group personal lines property and casualty insurance shall maintain separate statistics as to the loss and expense experience pertinent thereto.

2. No insurer shall issue or deliver a group personal lines property and casualty insurance policy if it is a condition of employment or of membership in a group that any employee or member purchase insurance pursuant to the policy or if any employee or member shall be subject to any penalty by reason of his or her non-participation.

3. (1) No insurer shall issue or deliver a group personal lines property and casualty insurance policy if:

(a) The purchase of insurance available under the policy is contingent upon the purchase of any other insurance, product, or service; or

(b) The purchase or price of any other insurance, product, or service is contingent upon the purchase of insurance available under the group personal lines property and casualty insurance policy.

(2) Subdivision (1) of this subsection shall not be deemed to prohibit the reasonable requirement of safety devices, such as heat detectors, lightning rods, theft prevention equipment and the like. Neither shall subdivision (1) of this subsection be deemed to prohibit the marketing of "package" or "combination" policies.

4. The insurer's experience from its group personal lines property and casualty insurance policies shall be included in the determination of the insurer's participation in the applicable residual market plans.

5. For purposes of premium taxes, the insurer shall allocate premiums in accordance with the rules applicable to individual personal lines property and casualty insurance policies, except that any required allocation may be based on an annual survey of insureds. Premiums shall be apportioned among states without differentiation between policyholder or employee or member contributions.

379.1815. LICENSURE REQUIRED FOR AGENT OR BROKER OF POLICIES — EXCEPTION FOR CERTAIN ACTIVITIES — COUNTERSIGNATURE REQUIREMENTS PROHIBITED. — 1. No person shall act in this state as an insurance agent or broker in connection with the solicitation, negotiation, or sale of a group personal lines property and casualty insurance policy unless the person is duly licensed under sections 375.012 to 375.146 as an insurance producer for the applicable lines of insurance. However, none of the following activities engaged in by the insurer or its employees, or the policyholder or its employees, shall require the licensing of such entities or persons as insurance producers:

(1) Endorsement or recommendation of the master policy to employees or members;

(2) Distribution to employees or members, by mail or otherwise, of information pertaining to the master policy;

(3) Collection of contributions toward premium through payroll deductions or other appropriate means and remittance of the premium to an insurer; or

(4) Receipt of reimbursement from an insurer for actual, reasonable expenses incurred for administrative services that would otherwise be performed by the insurer with respect to the master policy. However, nothing herein shall supersede any applicable law or regulation that prohibits or regulates splitting of commissions with unlicensed persons, or rebating commissions or premiums.

2. No countersignature requirements shall apply to a group personal lines property and casualty insurance policy that is issued or delivered in this state pursuant to the provisions of sections 379.1800 to 379.1824.

379.1818. NOTICE OF TERMINATION, CONTENTS — CONVERSION TO INDIVIDUAL POLICY, WHEN — INAPPLICABILITY. — 1. Each employee or member covered under the master policy whose coverage thereunder terminates for any reason other than the failure to make required contributions toward premiums or at the request of the employee or member, shall receive from the insurer thirty days prior written notice of termination or ineligibility. The notice shall state the reasons for discontinuance of coverage under the master policy and shall explain the employee's or member's options for conversion to an individual policy.

2. If, within thirty days after receipt of notice of termination or ineligibility, application is made and the first premium is paid to the insurer, the employee or member shall be entitled to have issued to him or her by the insurer, or an affiliate within the same group of insurers, an

individual policy, effective upon termination or ineligibility, with coverages and limits at least equal to the minimum coverages and limits of insurance as required by the applicable state law.

3. No individual notice of termination as provided in subsection 1 of this section and no conversion privilege as provided in subsection 2 of this section shall be required if the master policy is replaced by another master policy within thirty days. Coverage under the prior master policy shall terminate when the replacement master policy becomes effective.

379.1821. LICENSURE REQUIRED FOR ISSUANCE OF POLICIES — INAPPLICABILITY TO MASS MARKETING AND CERTAIN POLICIES — RULEMAKING AUTHORITY. — 1. No master policy or certificate of insurance shall be issued or delivered in this state unless issued or delivered by an insurer which is duly licensed in this state to write the lines of insurance covered by the master policy or is an eligible nonadmitted insurer pursuant to section 384.021.

2. The provisions of sections 379.1800 to 379.1824 shall not apply to the mass marketing or any other type of marketing of individual personal lines property and casualty insurance policies.

3. Sections 379.1800 to 379.1824 shall not apply to policies of credit property or credit casualty insurance that insure the debtors of a creditor or creditors with respect to their indebtedness.

4. Sections 379.1800 to 379.1824 shall not apply to policies of personal automobile insurance or personal motor vehicle liability insurance, nor shall such sections be construed as authorizing the sale or issuance of personal automobile insurance or personal motor vehicle liability insurance under a group or master policy within this state.

5. Sections 379.1800 to 379.1812 shall not apply to policies issued by a nonadmitted insurer pursuant to chapter 384.

6. Nothing in sections 379.1800 to 379.1824 shall limit the authority of the director with respect to complaints or disputes involving residents of this state arising out of a master policy that has been issued or delivered in another state.

7. The director may promulgate rules as necessary to implement and administer the provisions of sections 379.1800 to 379.1824. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

379.1824. EFFECTIVE DATE. — The provisions of sections 379.1800 to 379.1824 shall become effective January 1, 2022. No master policy or certificate of insurance shall be issued or delivered in this state after the effective date unless issued or delivered in compliance with sections 379.1800 to 379.1824. A master policy or certificate that is lawfully in effect on January 1, 2022, shall comply with the provisions of sections 379.1800 to 379.1824 within twelve months of such date.

382.010. DEFINITIONS. — As used in sections 382.010 to 382.300, the following words and terms have the meanings indicated unless the context clearly requires otherwise:

(1) An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(2) "Control", "controlling", "controlled by", or "under common control with", the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a

person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by section 382.170 that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(3) "Director", the director of the department of commerce and insurance, his or her deputies, or the department of commerce and insurance, as appropriate;

(4) "Enterprise risk", any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole including, but not limited to, anything that would cause the insurer's risk-based capital to fall into company action level as set forth in section 375.1255 or would cause the insurer to be in hazardous financial condition as set forth in section 375.539;

(5) "Groupwide supervisor", the regulatory official authorized to engage in conducting and coordinating groupwide supervisory activities who is determined or acknowledged by the director, under section 382.227, to have sufficient significant contacts with the internationally active insurance group;

(6) "Insurance holding company system", two or more affiliated persons, one or more of which is an insurer;

(7) "Insurer", an insurance company as defined in section 375.012, including a reciprocal or interinsurance exchange, and which is qualified and licensed by the department of commerce and insurance of Missouri to transact the business of insurance in this state; but it shall not include any company organized and doing business under chapter 377, 378, or 380, agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;

(8) "Internationally active insurance group", an insurance holding company system that includes an insurer registered under sections 382.100 to 382.180, and meets the following criteria:

(a) Premiums written in at least three countries;

(b) The percentage of gross premiums written outside the United States is at least ten percent of the insurance holding company system's total gross written premiums; and

(c) Based on a three-year rolling average, the total assets of the insurance holding company system are at least fifty billion dollars, or the total gross written premiums of the insurance holding company system are at least ten billion dollars;

(9) **"NAIC", the National Association of Insurance Commissioners;**

(10) **"National Association of Insurance Commissioners (NAIC) group capital calculation instructions", the group capital calculation instructions as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC;**

(11) **"NAIC liquidity stress test framework", a separate NAIC publication that includes a history of the NAIC's development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, and the liquidity stress test instructions, and reporting such scope criteria, instructions and reporting template being as adopted by the NAIC and as amended by the NAIC from time to time in accordance with procedures adopted by the NAIC;**

(12) "Person", an individual, corporation, limited liability company, partnership, association, joint stock company, trust, unincorporated organization, or any similar entity, or any combination of the

foregoing acting in concert, but shall not include any joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property;

(13) "Scope criteria", as detailed in the NAIC liquidity stress test framework, the designated exposure bases along with minimum magnitudes of such exposure bases for the specified data year used to establish a preliminary list of insurers considered scoped into the NAIC liquidity stress test framework for that data year;

[(10)] **(14)** A "securityholder" of a specified person is one who owns any security of that person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing;

[(11)] **(15)** A "subsidiary" of a specified person is an affiliate controlled by that person directly, or indirectly through one or more intermediaries;

[(12)] **(16)** The term "voting security" includes any security convertible into or evidencing a right to acquire a voting security.

382.110. REGISTRATION, FORM, CONTENTS, EXEMPTED MATTER. — 1. Every insurer subject to registration shall file a registration statement on a form provided by the director containing current information about:

(1) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(2) The identity of every member of the insurance holding company system;

(3) The following agreements in force, relationships subsisting, and transactions currently outstanding between the insurer and its affiliates:

(a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(b) Purchases, sales, or exchanges of assets;

(c) Transactions not in the ordinary course of business;

(d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(e) All management and service contracts and all cost-sharing arrangements; [and]

(f) Reinsurance agreements;

(g) Dividends and other distributions to shareholders; and

(h) Consolidated tax allocation agreements;

(4) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

(5) Financial statements of or within an insurance holding company system, including all affiliates, if requested by the director. Financial statements may include, but are not limited to, annual audited financial statements filed with the United States Securities and Exchange Commission (SEC) under the Securities Act of 1933, as amended, or the Securities Exchange Act of 1934, as amended. An insurer required to file financial statements under this subdivision may satisfy such requirement by providing the director with the most recently filed parent corporation financial statements that have been filed with the SEC;

(6) Statements that the insurer's board of directors oversees corporate governance and internal controls and that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures;

(7) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the director; and

(8) Any other information required by the director by rule.

2. All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

3. No information need be disclosed on the registration statement filed pursuant to subsection 1 of this section if such information is not material for the purposes of that subsection. Unless the director by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving one-half of one percent or less of an insurer's admitted assets as of the thirty-first day of December next preceding shall not be deemed material for purposes of subsection 1 of this section. **The definition of "materiality" used in this subsection shall not apply to the group capital calculation or the liquidity stress test framework.**

4. Any person within an insurance holding company system subject to registration shall be required to provide complete and accurate information to an insurer, where such information is reasonably necessary to enable the insurer to comply with the provisions of sections 382.010 to 382.300.

382.176. GROUP CAPITAL CALCULATION, FILING OF REPORT — EXEMPTIONS — EXCEPTIONS TO THE EXEMPTION. — 1. Except as provided in subdivisions (1) to (7) of this section, the ultimate controlling person of every insurer subject to registration shall file an annual group capital calculation as directed by the lead state director. The report shall be completed in accordance with the NAIC group capital calculation instructions, which may permit the lead state director to allow a controlling person who is not the ultimate controlling person to file the group capital calculation. The report shall be filed with the lead state director of the insurance holding company system as determined by the director in accordance with the procedures within the Financial Analysis Handbook adopted by the NAIC. The following insurance holding company systems are exempt from filing the group capital calculation:

(1) An insurance holding company system that has only one insurer within its holding company structure, that only writes business and is only licensed in its domestic state, and assumes no business from any other insurer;

(2) An insurance holding company system that is required to perform a group capital calculation specified by the United States Federal Reserve Board. The lead state director shall request the calculation from the Federal Reserve Board under the terms of information sharing agreements in effect. If the Federal Reserve Board cannot share the calculation with the lead state director, the insurance holding company system is not exempt from the group capital calculation filing;

(3) An insurance holding company system whose non-U.S. group-wide supervisor is located within a reciprocal jurisdiction as described in section 375.246 that recognizes the U.S. state regulatory approach to group supervision and group capital; and

(4) An insurance holding company system:

(a) That provides information to the lead state that meets the requirements for accreditation under the NAIC financial standards and accreditation program, either directly or indirectly through the group-wide supervisor, who has determined such information is satisfactory to allow the lead state to comply with the NAIC group supervision approach, as detailed in the Financial Analysis Handbook adopted by the NAIC; and

(b) Whose non-U.S. group-wide supervisor who is not in a reciprocal jurisdiction recognizes and accepts, as specified by the director in regulation, the group capital calculation as the worldwide group capital assessment for U.S. insurance groups that operate in that jurisdiction.

2. Notwithstanding the provisions of subdivisions (3) and (4) of subsection 1 of this section, a lead state director shall require the group capital calculation for U.S. operations of any non-U.S. based insurance holding company system where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state director for prudential

oversight and solvency monitoring purposes or for ensuring the competitiveness of the insurance marketplace.

3. Notwithstanding the exemptions from filing the group capital calculation stated in subdivisions (1) to (4) of subsection 1 of this section, the lead state director has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation or to accept a limited group capital filing or report in accordance with criteria as specified in regulations promulgated by the director.

4. If the lead state director determines that an insurance holding company system no longer meets one or more of the requirements for an exemption from filing the group capital calculation under this section, the insurance holding company system shall file the group capital calculation at the next annual filing date unless given an extension by the lead state director based on reasonable grounds shown.

382.177. LIQUIDITY STRESS TEST, FILING OF — SCOPE CRITERIA — NAIC COMPLIANCE. — The ultimate controlling person of every insurer subject to registration and also scoped into the NAIC liquidity stress test framework shall file the results of a specific year's liquidity stress test. The filing shall be made to the lead state insurance director of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC:

(1) The NAIC liquidity stress test framework includes scope criteria applicable to a specific data year. These scope criteria are reviewed at least annually by the NAIC's financial stability task force or its successor. Any change to the NAIC liquidity stress test framework or to the data year for which the scope criteria are to be measured shall be effective on January first of the year following the calendar year in which such changes are adopted. Insurers meeting at least one threshold of the scope criteria are considered scoped into the NAIC liquidity stress test framework for the specified data year unless the lead state insurance director, in consultation with the NAIC financial stability task force or its successor, determines the insurer shall not be scoped into the framework for that data year. Similarly, insurers that do not trigger at least one threshold of the scope criteria are considered scoped out of the NAIC liquidity stress test framework for the specified data year unless the lead state insurance director, in consultation with the NAIC financial stability task force or its successor, determines the insurer shall be scoped into the framework for that data year. Regulators wish to avoid having insurers scoped into and out of the NAIC liquidity stress test framework on a frequent basis, the lead state insurance director, in consultation with the financial stability task force or its successor, shall assess this concern as part of the determination for an insurer.

(2) The performance of, and filing of the results from, a specific year's liquidity stress test shall comply with the NAIC liquidity stress test framework's instructions and reporting templates for that year and any lead state insurance director determinations, in conjunction with the financial stability task force or its successor, provided within the framework.

382.230. CERTAIN INFORMATION CONFIDENTIAL, EXCEPTION — PRIVATE CIVIL ACTION, DIRECTOR NOT REQUIRED TO TESTIFY — PERMISSIBLE ACTS OF THE DIRECTOR — MISLEADING OR MATERIALLY FALSE STATEMENTS, CERTAIN INFORMATION, REMEDY. — 1. All information, documents and copies thereof in the possession or control of the director that are obtained by or disclosed to the director or any other person in the course of an examination or investigation made under section 382.220 and all information reported or provided to the director under subdivisions (13) and (14) of subsection 1 of section 382.050, sections 382.100 to 382.210, and section 382.227 **are considered proprietary and to contain trade secrets and** shall be given confidential treatment and privileges; shall not be subject to the provisions of chapter 610; shall not be subject to

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subpoena; shall not be made public by the director, the National Association of Insurance Commissioners, or any other person, except to the chief insurance regulatory official of other states; and shall not be subject to discovery or admissible as evidence in any private civil action. However, the director is authorized to use the documents, materials, or other information in furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the director, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event the director may publish all or any part thereof in such manner as he or she may deem appropriate.

(1) For purposes of the information reported and provided to the department of commerce and insurance under section 382.176, the director shall maintain the confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the Federal Reserve Board or any U.S. group-wide supervisor.

(2) For purposes of the information reported and provided to the department of commerce and insurance under section 382.177, the director shall maintain the confidentiality of the liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-U.S. group-wide supervisors.

2. Neither the director nor any person who receives documents, materials, or other information while acting under the authority of the director or with whom such documents, materials, or other information is shared under sections 382.010 to 382.300 shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or other information subject to subsection 1 of this section.

3. In order to assist in the performance of the director's duties, the director:

(1) May share documents, materials, or other information including the confidential and privileged documents, materials, or other information subject to subsection 1 of this section, **including proprietary and trade secret documents and materials**, with other state, federal, and international financial regulatory agencies, with the National Association of Insurance Commissioners [and its affiliates and subsidiaries], **with any third-party consultants designated by the director**, and with state, federal, and international law enforcement authorities including members of any supervisory college described in section 382.225; provided that the recipient agrees in writing to maintain the confidentiality and privileged status of such documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;

(2) Notwithstanding the provisions of subsection 1 of this section and subdivision (1) of this subsection, may share confidential and privileged documents, materials, or other information reported under section 382.175 only with the directors of states having statutes or regulations substantially similar to subsection 1 of this section and who have agreed in writing not to disclose such information;

(3) May receive documents, materials, or other information including otherwise confidential and privileged documents, materials, or information, **including proprietary and trade secret information**, from the National Association of Insurance Commissioners and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information; and

(4) Shall enter into a written agreement with the National Association of Insurance Commissioners **and any third-party consultant designated by the director** governing sharing and use of information provided under sections 382.010 to 382.300 consistent with this subsection that shall:

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

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners [and its affiliates and subsidiaries] **or a third-party consultant designated by the director** under sections 382.010 to 382.300 including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal, and international regulators. **The agreement shall provide that the recipient agrees, in writing, to maintain the confidentiality and privileged status of the documents, materials, or other information and has verified, also in writing, the legal authority to maintain such confidentiality;**

(b) Specify that ownership of information shared with the National Association of Insurance Commissioners [and its affiliates and subsidiaries] **or a third-party consultant as designated by the director** under sections 382.010 to 382.300 remains with the director and that the National Association of Insurance Commissioners' **or third-party consultant's, as designated by the director,** use of such information is subject to the direction of the director;

(c) **Excluding documents, material, or information reported pursuant to section 382.177, prohibit the NAIC or a third-party consultant designated by the director from storing the information shared under sections 382.010 to 382.300 in a permanent database after the underlying analysis is completed;**

(d) Require prompt notice to be given to an insurer whose confidential information in the possession of the National Association of Insurance Commissioners **or a third-party consultant designated by the director,** under sections 382.010 to 382.300 is subject to a request or subpoena to the National Association of Insurance Commissioners **or a third-party consultant designated by the director,** for disclosure or production; [and

(d)] (e) Require the National Association of Insurance Commissioners [and its affiliates and subsidiaries] **or third-party consultant as designated by the director** to consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners [and its affiliates and subsidiaries] **or third-party consultant as designated by the director** may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners **or a third-party consultant designated by the director,** and its affiliates and subsidiaries under sections 382.010 to 382.300; and

(f) **For documents, material, or information reporting under section 382.177, in the case of an agreement involving a third-party consultant designated by the director, provide for notification of the identity of the consultant to the applicable insurers.**

4. The sharing of information by the director under sections 382.010 to 382.300 shall not constitute a delegation of regulatory or rulemaking authority, and the director is solely responsible for the administration, execution, and enforcement of the provisions of sections 382.010 to 382.300.

5. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or other information shall occur as a result of disclosure of such documents, materials, or other information to the director under this section or as a result of sharing as authorized in sections 382.010 to 382.300.

6. Documents, materials, or other information in the possession or control of the National Association of Insurance Commissioners **or a third-party consultant designated by the director** under sections 382.010 to 382.300 shall be confidential by law and privileged, shall not be subject to disclosure under chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

7. **The group capital calculation and resulting group capital ratio required under section 382.176 and the liquidity stress test along with its results and supporting disclosures required under section 382.177 are regulatory tools for assessing group risks and capital adequacy and group liquidity risks, respectively, and are not intended as a means to rank insurers or insurance holding company systems generally. Therefore, except as otherwise may be required under sections 382.010 to 382.300, the making, publishing, disseminating, circulating, or placing before**

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the public, or causing directly or indirectly to be made, published, disseminated, circulated, or placed before the public in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station or any electronic means of communication available to the public, or in any other way as an advertisement, announcement, or statement containing a representation or statement with regard to the group capital calculation, group capital ratio, the liquidity stress test results, or supporting disclosures for the liquidity stress test of any insurer or any insurer group, or of any component derived in the calculation by any insurer, broker, or other person engaged in any manner in the insurance business, would be misleading and is therefore prohibited; provided, however, that if any materially false statement with respect to the group capital calculation, resulting group capital ratio, an inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation or resulting group capital ratio, liquidity stress test result, supporting disclosures for the liquidity stress test, or an inappropriate comparison of any amount to an insurer's or insurance group's liquidity stress test result or supporting disclosures is published in any written publication and the insurer is able to demonstrate to the director with substantial proof the falsity of such statement or the inappropriateness, as the case may be, then the insurer may publish announcements in a written publication if the sole purpose of the announcement is to rebut the materially false statement.

384.043. LICENSING REQUIREMENTS FOR INSURANCE PRODUCERS, FEE — EXAMINATION, EXCEPTION — RENEWAL, WHEN, VIOLATION, EFFECT — NATIONAL DATABASE, PARTICIPATION IN — RULEMAKING AUTHORITY. — 1. No insurance producer shall procure any contract of surplus lines insurance with any nonadmitted insurer, unless he possesses a current surplus lines insurance license issued by the director.

2. The director shall issue a surplus lines license to any qualified holder of a current resident or nonresident property and casualty insurance producer license but only when the licensee has:

- (1) Remitted the one hundred dollar initial fee to the director;
- (2) Submitted a completed license application on a form supplied by the director; and
- (3) Passed a qualifying examination approved by the director, except that all holders of a license prior to July 1, 1987, shall be deemed to have passed such an examination.

3. Each surplus lines license shall be renewed for a term of two years on the [biennial anniversary] **birth** date of [issuance] **the licensee** and continue in effect until refused, revoked or suspended by the director in accordance with section 384.065; except that if the biennial renewal fee for the license is not paid on or before the [anniversary] **birth date of the licensee**, the license terminates. The biennial renewal fee is one hundred dollars.

4. Beginning on or before July 1, 2012, the director shall participate in the national insurance producer database of the National Association of Insurance Commissioners, or any other equivalent uniform national database, for the licensure of surplus lines licensees and the renewal of such licenses.

5. Notwithstanding any other provision of this chapter, a person selling, soliciting, or negotiating nonadmitted insurance with respect to an insured shall be required to obtain or possess a current surplus lines insurance license issued by the director only if this state is such insured's home state.

6. The director may promulgate rules using the authority granted under section 375.045 to assist in the implementation of this section, including prorating licensure periods so that all renewals after January 1, 2022, shall occur biennially on a licensee's birth date.

385.220. INAPPLICABILITY. — 1. The provisions of sections 385.200 to 385.220 shall not apply to:

- (1) Warranties;
- (2) Maintenance agreements;

- (3) Commercial transactions; [and]
- (4) Service contracts sold or offered for sale to persons other than consumers; **or**
- (5) Motor club contracts, as defined in section 385.450.**

2. Manufacturer's contracts on the manufacturer's products need only comply with the provisions of sections 385.206, 385.208, and 385.216.

385.320. INAPPLICABILITY. — 1. Sections 385.300 to 385.320 shall not apply to:

- (1) Warranties;
- (2) Maintenance agreements;
- (3) Warranties, service contracts, or maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated under the laws of this state;
- (4) Service contracts sold or offered for sale to persons other than consumers;
- (5) Service contracts sold or offered to nonresidents of this state regardless of whether the entity selling or offering such contracts is located or doing business in this state;
- (6) Motor vehicle extended service contracts, as defined in section 385.200; [and]
- (7) **Motor club contracts, as defined in section 385.450; or**
- (8) Agreements or warranties which provide for the service, repair, replacement, or maintenance of the systems, appliances, and structural components of residential or commercial real property.**

2. Manufacturer's service contracts on the manufacturer's products need only comply with the provisions of sections 385.306, 385.308, and 385.316.

385.450. MOTOR CLUBS — DEFINITIONS — FEES NOT SUBJECT TO PREMIUM TAX — INAPPLICABILITY OF CERTAIN INSURANCE LAWS. — 1. **As used in this section, the following terms shall mean:**

- (1) **"Motor club", a legal entity that, in consideration of dues, assessments, or periodic payments of moneys, promises to provide motor club services to its members or subscribers;**
- (2) **"Motor club contract", an agreement whereby a motor club promises to render, furnish, or procure motor club services to or for its members or subscribers;**
- (3) **"Motor club services", services that assist a member or subscriber of a motor club in matters relating to motor travel or the operation, use, or maintenance of a motor vehicle by supplying services that may include, but are not limited to, towing service, emergency road service, bail and guaranteed arrest bond certificate service, discount service, theft service, map service, touring service, legal fee reimbursement service in the defense of traffic offenses, and participation in an accident and sickness or accidental death insurance benefit program issued by an insurance company authorized to do business in this state.**

2. Fees collected from the sale of motor club contracts shall not be subject to taxation of premiums under chapter 148.

3. Motor clubs complying with the provisions of this section shall not be required to comply with the provisions of chapter 374 or 375, or any other provisions governing insurance companies, except as specifically provided.

Approved June 22, 2021

CCS#2 HCS SS#2 SB 26

Enacts provisions relating to public safety, with penalty provisions and an effective date for certain sections.

AN ACT to repeal sections 56.380, 56.455, 67.030, 84.400, 105.950, 149.071, 149.076, 190.307, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 304.022, 307.175, 311.060, 311.660, 313.220, 313.800, 313.805, 313.812, 549.500, 557.045, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 574.085, 575.205, 575.206, 589.042, 590.030, 610.140, 650.055, 650.058, and 650.335, RSMo, and to enact in lieu thereof eighty-eight new sections relating to public safety, with penalty provisions and an effective date for certain sections.

SECTION

- A Enacting clause.
- 56.380 Not to accept fee or reward, except salary, courts of criminal jurisdiction (cities of 700,000 or more) — penalty.
- 56.455 Circuit attorney to report on felons (St. Louis City).
- 67.030 Governing body may revise budget, limits — approval — budget decrease for law enforcement, injunctive relief, when.
- 67.301 Battery-charged fence — no permit required in addition to alarm system permit — limitation on installation or operational requirements — definitions — notice of installation to political subdivision.
- 67.494 Physical security measure on private property, state preemption — exclusions — access to property for law enforcement and first responders.
- 84.400 Police commissioners, members of force — forfeiture of office, when — service on boards, commissions, or task forces permitted, when.
- 105.950 Compensation of certain department heads.
- 149.071 Fraudulent activity relative to tax stamps a felony — penalty.
- 149.076 Failure to make or falsification of required return or refusal to permit inspection of records prohibited — false report or application a felony, penalty.
- 190.307 No civil liability for operation of emergency system, giving or following emergency instructions, exceptions.
- 214.392 Division of professional registration, duties and powers in regulation of cemeteries — rulemaking authority.
- 217.010 Definitions.
- 217.030 Directors of divisions, appointment — appointment of general personnel.
- 217.250 Offender with terminal disease or advanced age where confinement will endanger or shorten life — certification to parole board, report to governor, procedure.
- 217.270 Parole board to have access to offenders and records, when.
- 217.362 Program for offenders with substance abuse addiction — eligibility, disposition, placement — completion, effect.
- 217.364 Offenders under treatment program, placement, rules — eligibility — use, purpose, availability — failure to complete.
- 217.455 Director of division of adult institutions to transmit information and request.
- 217.541 House arrest program, department to establish and regulate — limited release, when — arrest warrant may be issued by probation or parole officer, when — offenders to fund program.
- 217.650 Definitions.
- 217.655 Parole board, general duties — division duties.
- 217.665 Board members, appointment, qualifications — terms, vacancies — designation of chair and vice chair — compensation, expenses.

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

- 217.690 Board may order release or parole — assessment, personal hearing — fee — rules — eligibility for parole, how calculated — first degree murder, eligibility for hearing — hearing procedure — notice — special conditions — education requirements, exceptions — rulemaking authority.
- 217.692 Eligibility for parole, offenders with life sentence, when — criteria — perjury, penalty.
- 217.695 Release from custody under supervision of division of probation and parole, registration with law enforcement officials required.
- 217.710 Firearms, authority to carry, department's duties, training — rulemaking procedure.
- 217.735 Lifetime supervision required for certain offenders — electronic monitoring — termination at age sixty-five permitted, when — rulemaking authority.
- 217.829 Assets to be listed by prisoners on form under oath — failure to comply, effect — department to request assignments.
- 281.015 Director of agriculture to administer.
- 281.020 Definitions.
- 281.025 Director may issue regulations — notice, how given — list of restricted use pesticides, adoption of — public hearings, when — rulemaking procedure.
- 281.030 Classification of licenses, how made — rulemaking powers — fees.
- 281.035 Certified commercial applicator's license required when, annual fee — application for license, how made — examinations — records to be kept — incapacity of sole certified applicator, effect of.
- 281.037 Certified noncommercial applicator's license, when required — application for certified noncommercial applicator's license, examination, fee — scope of license — records to be kept.
- 281.038 Determination of need for use of pesticide, who may make — pesticide technician's license, application, requirements, fee.
- 281.040 Private applicator's license, qualifications for, duration, renewal — emergency use of restricted pesticides, when authorized.
- 281.045 Certified operator license, when required — application, requirements, examination — maintenance of records — liability of governmental agencies.
- 281.048 Noncertified RUP applicator license — application, issuance and renewal, fee — authority of licensee, limitation by director, when — notification by licensee of changes — retraining — display of license.
- 281.050 Pesticide dealer's license required, fee, qualifications — grounds for suspension or revocation — restricted use of pesticides, sale or transfer, to whom, exception — records to be kept — change of address, notice of.
- 281.055 Late renewal of license, penalty, reexamination, when — director to provide guideline book, fee for book.
- 281.060 Revocation, suspension or modification of license, when — civil penalty, when, amount, enforcement of.
- 281.063 Director may subpoena witnesses and documents, when.
- 281.065 Bond or insurance required — deductible clause accepted, when — new surety, when — liability, effect of chapter on.
- 281.070 Damage claims to be filed with director, when due — duties of director — failure to file, effect of — investigation or hearing, powers of director.
- 281.075 Reciprocal licensing authorized, when — agent to be designated by nonresidents.
- 281.085 Pesticide containers, regulation of, handling of.
- 281.101 Unlawful acts.
- 304.022 Emergency and stationary vehicles — use of lights and sirens — right-of-way — procedure — penalty.
- 307.175 Sirens and flashing lights, use of, when — permits — violation, penalty.

- 311.060 Qualifications for licenses — resident corporation and financial interest defined — revocation, effect of, new license, when.
- 311.660 Powers of supervisor — regulations — subpoenas.
- 313.220 Rules and regulations — procedure generally, this chapter — background checks may be required, when.
- 313.800 Definitions — additional games of skill, commission approval, procedures.
- 313.805 Powers of commission.
- 313.812 Number of licenses granted in city or county, commission to determine, limits — conditions of operator license — boats, requirements — ineligibility for license — local option, voter approval, ballot, prior election, effect of — licensees may be disciplined, when.
- 542.525 Surveillance or game cameras on private property, state and local government prohibited from placing without landowner consent.
- 549.500 Documents of board or division to be privileged — exceptions — inspection.
- 557.045 Ineligibility for probation, SIS, SES, or conditional release, certain offenses.
- 557.051 Program for perpetrators of sexual offenses, participation required, when — restrictions for persons providing assessments and reports, penalty for violation, exception.
- 558.011 Sentence of imprisonment, terms — conditional release.
- 558.026 Concurrent and consecutive terms of imprisonment.
- 558.031 Calculation of terms of imprisonment — credit for jail time awaiting trial.
- 558.046 Reduction of term of sentence, conditions.
- 559.026 Detention condition of probation.
- 559.105 Restitution may be ordered, when — limitation on release from probation — amount of restitution.
- 559.106 Lifetime supervision of certain sexual offenders — electronic monitoring — termination at age sixty-five permitted, when.
- 559.115 Appeals, probation not to be granted, when — probation granted after delivery to department of corrections, time limitation, assessment — one hundred twenty day program — notification to state, when, hearing — no probation in certain cases.
- 559.125 Record of applications for probation or parole to be kept — information to be privileged — exceptions.
- 559.600 Misdemeanor probation may be provided by contract with private entities, not to exclude board of probation and parole — drug testing — travel limits.
- 559.602 Private entities to make application to circuit court to provide misdemeanor probation — contract content — procedure — withdrawal of board, when.
- 559.607 Municipal ordinance violations, probation may be contracted for by municipal courts, procedure — cost to be paid by offenders, exceptions.
- 565.058 Special victims — confidentiality of address or place of residence — use of initials in petition.
- 566.145 Sexual conduct in the course of public duty, offense of — definitions — violation, penalty — consent not a defense.
- 571.030 Unlawful use of weapons, offense of — exceptions — violation, penalties.
- 574.085 Institutional vandalism, offense of — violation, penalty.
- 574.203 Interference with a health care facility, offense of — workplace violence, hospital duties — violation, penalty.
- 574.204 Interference with an ambulance service, offense of — violation, penalty — definition.
- 575.205 Tampering with electronic monitoring equipment, offense of — violation, penalty.
- 575.206 Violating a condition of lifetime supervision, offense of — violation, penalty.
- 589.042 Access to personal home computer, authority to require registered sexual offenders to provide as condition of probation.

- 590.030 Basic training, minimum standards established — age, citizenship and education requirements established by director — issuance of a license — federal Rap Back program, agencies to enroll.
- 590.192 Critical incident stress management program, purpose — services to be provided — requirements — confidentiality of information — fund created, use of moneys.
- 590.502 Administrative investigation or questioning of law enforcement officer — definitions — conduct of investigation or questioning, requirements — suspension, due process rights, procedure — violation remedy.
- 590.1265 Citation of law — definitions — use-of for incidents reporting, standards and procedures — publication of report data — analysis report.
- 610.140 Expungement of certain criminal records, petition, contents, procedure — effect of expungement on employer inquiry — lifetime limits.
- 650.055 Biological samples collected, certain felony offenses, when — use of sample — highway patrol and department of corrections, duty — DNA records and biological materials to be closed record, disclosure, when — expungement of record, when.
- 650.058 Individuals who are actually innocent may receive restitution, amount, petition, definition, limitations and requirements — guilt confirmed by DNA testing, procedures — petitions for restitution — order of expungement.
- 650.335 Loans and financial assistance from prepaid wireless emergency telephone charges — application, procedure, requirements.
- 217.660 Chairman of the board to be director — additional compensation.
 - B Effective date for certain sections.

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

SECTION A. ENACTING CLAUSE. — Sections 56.380, 56.455, 67.030, 84.400, 105.950, 149.071, 149.076, 190.307, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 304.022, 307.175, 311.060, 311.660, 313.220, 313.800, 313.805, 313.812, 549.500, 557.045, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 574.085, 575.205, 575.206, 589.042, 590.030, 610.140, 650.055, 650.058, and 650.335, RSMo, are repealed and eighty-eight new sections enacted in lieu thereof, to be known as sections 56.380, 56.455, 67.030, 67.301, 67.494, 84.400, 105.950, 149.071, 149.076, 190.307, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 304.022, 307.175, 311.060, 311.660, 313.220, 313.800, 313.805, 313.812, 542.525, 549.500, 557.045, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 565.058, 566.145, 571.030, 574.085, 574.203, 574.204, 575.205, 575.206, 589.042, 590.030, 590.192, 590.502, 590.1265, 610.140, 650.055, 650.058, and 650.335, to read as follows:

56.380. NOT TO ACCEPT FEE OR REWARD, EXCEPT SALARY, COURTS OF CRIMINAL JURISDICTION (CITIES OF 700,000 OR MORE) — PENALTY. — It is unlawful for the circuit attorneys or the assistant circuit attorneys of the courts of this state having jurisdiction of criminals within cities in this state having a population of seven hundred thousand inhabitants or more to contract for, directly

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or indirectly, or to accept, receive or take any fee, reward, promise or undertaking, or gift or valuable thing of any kind whatsoever, except the salary of his **or her** office prescribed by law, for aiding, advising, promoting or procuring any indictment, true bill or legal process of any kind whatsoever against any person or party, or for aiding, promoting, counseling or procuring the detection, discovery, apprehension, prosecution or conviction of any person upon any charge whatsoever, or for aiding, advising or counseling of or concerning, or for procuring, promoting or effecting the discovery or recovery, by any means whatever, of any valuable thing which is secreted or detained from the possession of the owner or lawful custodian thereof. Any officer who is convicted of the violation of any of the provisions of this section shall be punished by imprisonment by the state department of corrections [and human resources] for not more than seven years and in addition shall forfeit his **or her** office.

56.455. CIRCUIT ATTORNEY TO REPORT ON FELONS (ST. LOUIS CITY). — In addition to his **or her** other duties, the circuit attorney of the City of St. Louis shall make a detailed report of all information in his **or her** possession pertaining to each person committed to the state penitentiary by the circuit court of the City of St. Louis to the director of the state department of corrections [and human resources] and to the state [board of probation and] parole **board**. The report shall include such information as may be requested by such director or board and shall include a summary of such evidence as to the prior convictions of the convict, his **or her** mental condition, education and other personal background information which is available to the circuit attorney as well as the date of the crime for which the convict was sentenced, whether he **or she** was tried or pleaded guilty, and such facts as are available as to the aggravating or mitigating circumstances of the crime. The circuit attorney may include in the report his **or her** recommendation as to whether the convict should be kept in a maximum security institution. The report shall be transmitted within twenty days after the date of the conviction or at such other time as is prescribed by the director of the department of corrections [and human resources] or [board of probation and] parole **board**.

67.030. GOVERNING BODY MAY REVISE BUDGET, LIMITS — APPROVAL — BUDGET DECREASE FOR LAW ENFORCEMENT, INJUNCTIVE RELIEF, WHEN. — **1.** The governing body of each political subdivision may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law or charter **or in subsection 2 of this section**; provided, that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law or charter, the governing body of each political subdivision shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions, or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget.

2. Any taxpayer of a political subdivision may initiate an action for injunctive relief, which the court shall grant, if the governing body of such political subdivision decreases the budget for its law enforcement agency, except for those created under section 162.215, by an amount exceeding more than twelve percent relative to the proposed budgets of other departments of the political subdivision over a five-year aggregate amount.

67.301. BATTERY-CHARGED FENCE — NO PERMIT REQUIRED IN ADDITION TO ALARM SYSTEM PERMIT — LIMITATION ON INSTALLATION OR OPERATIONAL REQUIREMENTS — DEFINITIONS — NOTICE OF INSTALLATION TO POLITICAL SUBDIVISION. — **1. Notwithstanding any provision to the contrary, no city, county, town, village, or political subdivision shall adopt or enforce any ordinance, order, or regulation that:**

(1) Requires a permit for the installation or use of a battery-charged fence in addition to an alarm system permit issued by such city, county, town, village, or political subdivision;

(2) Imposes installation or operational requirements for the battery-charged fence that do not comply with either:

(a) The standards set by the International Electrotechnical Commission, as published June 29, 2018; or

(b) The requirements of the definition of a "battery-charged fence" under subsection 2 of this section; or

(3) Prohibits the installation or use of a battery-charged fence.

2. As used in this section, the following terms mean:

(1) "Alarm system", an alarm system for which a permit may be issued by a political subdivision;

(2) "Battery-charged fence", a fence that:

(a) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to a burglary;

(b) Is located on property that is not designated by a city, county, town, village, or political subdivision for residential use;

(c) Has an energizer that is powered by a commercial storage battery that is no more than twelve volts of direct current and that periodically delivers voltage impulses to the fence;

(d) Produces an electric charge that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission, as published in the Commission's standard on June 29, 2018;

(e) Is completely surrounded by a nonelectric perimeter fence or wall that is no less than five feet in height;

(f) Is no more than ten feet in height or, if part of a nonelectric fence or wall, no more than two feet higher than the nonelectric fence or wall, whichever is higher; and

(g) Is marked with conspicuous warning signs that are located on the battery-charged fence at intervals no more than sixty feet apart and that read "WARNING: ELECTRIC FENCE".

3. Upon installation of a battery-charged fence, an installer shall deliver written notice to the chief administrator of the city, county, town, village, or political subdivision that:

(1) States that the battery-charged fence was installed;

(2) States the street address of the battery-charged fence; and

(3) Includes a certification that the battery-charged fence satisfies the definition of a "battery-charged fence" under subsection 2 of this section and the standards for electric fence energizers set by the International Electrotechnical Commission, as published in the Commission's standard on June 29, 2018.

67.494. PHYSICAL SECURITY MEASURE ON PRIVATE PROPERTY, STATE PREEMPTION — EXCLUSIONS — ACCESS TO PROPERTY FOR LAW ENFORCEMENT AND FIRST RESPONDERS. —
1. The general assembly hereby occupies and preempts the entire field of legislation regarding in any way the regulation of physical security measures around private property to the complete exclusion of any order, ordinance, policy, or regulation by any village, town, city, including any home rule city, or county in this state. Any existing or future order, ordinance, policy, or regulation in this field is or shall be null and void.

2. Nothing in this section shall prohibit a village, town, city, or county from regulating:

(1) The aesthetics of physical security measures;

(2) Access to the public right-of-way, a sidewalk, or utility easement;

(3) The structural soundness of physical security measures; or

(4) Changes to the drainage of a property.

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3. Physical security measures shall have a means to enter the property so that law enforcement and first responders are able to access the property in an emergency.

84.400. POLICE COMMISSIONERS, MEMBERS OF FORCE — FORFEITURE OF OFFICE, WHEN — SERVICE ON BOARDS, COMMISSIONS, OR TASK FORCES PERMITTED, WHEN. — 1. Any one of said commissioners so appointed or any member of any such police force who, during the term of his **or her** office, shall accept any other place of public trust, or emolument, or who shall knowingly receive any nomination for an office elective by the people, and shall fail to decline such nomination publicly within the five days succeeding such nomination or shall become a candidate for the nomination for any office at the hands of any political party, shall be deemed to have thereby forfeited and vacated office as such commissioner or member of such police force.

2. Notwithstanding any provisions of law to the contrary, a member of the board or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member or member of such police force may accept payment of a per diem for attending meetings or, if no per diem is provided, reimbursement from such board, commission, or task force for reasonable and necessary expenses for attending such meetings.

105.950. COMPENSATION OF CERTAIN DEPARTMENT HEADS. — 1. Until June 30, 2000, the commissioner of administration and the directors of the departments of revenue, social services, agriculture, economic development, corrections, labor and industrial relations, natural resources, and public safety shall continue to receive the salaries they received on August 27, 1999, subject to annual adjustments as provided in section 105.005.

2. On and after July 1, 2000, the salary of the directors of the above departments shall be set by the governor within the limits of the salary ranges established pursuant to this section and the appropriation for that purpose. Salary ranges for department directors and members of the [board of probation and] parole **board** shall be set by the personnel advisory board after considering the results of a study periodically performed or administered by the office of administration. Such salary ranges shall be published yearly in an appendix to the revised statutes of Missouri.

3. Each of the above salaries shall be increased by any salary adjustment provided pursuant to the provisions of section 105.005.

149.071. FRAUDULENT ACTIVITY RELATIVE TO TAX STAMPS A FELONY — PENALTY. — Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimiles or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections [and human resources] for a term of not less than two years nor more than five years.

149.076. FAILURE TO MAKE OR FALSIFICATION OF REQUIRED RETURN OR REFUSAL TO PERMIT INSPECTION OF RECORDS PROHIBITED — FALSE REPORT OR APPLICATION A FELONY, PENALTY. — 1. No manufacturer, wholesaler or retailer shall fail or refuse to make any return required by the director, or refuse to permit the director or his **or her** duly authorized representatives to examine records, papers, files and equipment pertaining to the person's business made taxable by this chapter. No person shall make an incomplete, false or fraudulent return under this chapter, or attempt to do

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anything to evade full disclosure of the facts or to avoid the payment in whole or in part of the tax or interest due.

2. Any person who files a false report or application or makes a false entry in any record relating to the purchase and sale of cigarettes shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections [and human resources] for a term of not less than two years nor more than five years.

190.307. NO CIVIL LIABILITY FOR OPERATION OF EMERGENCY SYSTEM, GIVING OR FOLLOWING EMERGENCY INSTRUCTIONS, EXCEPTIONS. — 1. No public agency or public safety agency, nor any officer, agent or employee of any public agency, shall be liable for any civil damages as a result of any act or omission except willful and wanton misconduct or gross negligence, in connection with developing, adopting, operating or implementing any plan or system required by sections 190.300 to 190.340.

2. No person who gives emergency instructions through a system established pursuant to sections 190.300 to 190.340 to persons rendering services in an emergency at another location, nor any persons following such instructions in rendering such services, shall be liable for any civil damages as a result of issuing or following the instructions, unless issuing or following the instructions constitutes willful and wanton misconduct, or gross negligence.

3. Nothing in this section shall be deemed to abrogate any immunity that would exist in the absence of this section including, but not limited to, sovereign immunity, official immunity, or the public duty doctrine.

214.392. DIVISION OF PROFESSIONAL REGISTRATION, DUTIES AND POWERS IN REGULATION OF CEMETERIES — RULEMAKING AUTHORITY. — 1. The division shall:

(1) Recommend prosecution for violations of the provisions of sections 214.270 to 214.410 to the appropriate prosecuting, circuit attorney or to the attorney general;

(2) Employ, within limits of the funds appropriated, such employees as are necessary to carry out the provisions of sections 214.270 to 214.410;

(3) Be allowed to convey full authority to each city or county governing body the use of inmates controlled by the department of corrections and the [board] **division** of probation and parole to care for abandoned cemeteries located within the boundaries of each city or county;

(4) Exercise all budgeting, purchasing, reporting and other related management functions;

(5) Be authorized, within the limits of the funds appropriated, to conduct investigations, examinations, or audits to determine compliance with sections 214.270 to 214.410;

(6) The division may promulgate rules necessary to implement the provisions of sections 214.270 to 214.516, including but not limited to:

(a) Rules setting the amount of fees authorized pursuant to sections 214.270 to 214.516. The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and expense of administering sections 214.270 to 214.516. All moneys received by the division pursuant to sections 214.270 to 214.516 shall be collected by the director who shall transmit such moneys to the department of revenue for deposit in the state treasury to the credit of the endowed care cemetery audit fund created in section 193.265;

(b) Rules to administer the inspection and audit provisions of the endowed care cemetery law;

(c) Rules for the establishment and maintenance of the cemetery registry pursuant to section 214.283.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to

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review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

217.010. DEFINITIONS. — As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

- (1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;
- (2) "Board", the [board of probation and] parole **board**;
- (3) "Chief administrative officer", the institutional head of any correctional facility or his **or her** designee;
- (4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;
- (5) "Department", the department of corrections of the state of Missouri;
- (6) "Director", the director of the department of corrections or his **or her** designee;
- (7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;
- (8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;
- (9) "Division director", the director of a division of the department or his **or her** designee;
- (10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;
- (11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or second degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;
- (12) "Offender", a person under supervision or an inmate in the custody of the department;
- (13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the [board] **division of probation and parole**;
- (14) "Volunteer", any person who, of his **or her** own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.030. DIRECTORS OF DIVISIONS, APPOINTMENT — APPOINTMENT OF GENERAL PERSONNEL. — The director shall appoint the directors of the divisions of the department[, except the chairman of the parole board who shall be appointed by the governor]. Division directors shall serve at the pleasure of the director[, except the chairman of the parole board who shall serve in the capacity of chairman at the pleasure of the governor]. The director of the department shall be the appointing authority under chapter 36 to employ such administrative, technical and other personnel who may be assigned to the department generally rather than to any of the department divisions or facilities and whose employment is necessary for the performance of the powers and duties of the department.

217.250. OFFENDER WITH TERMINAL DISEASE OR ADVANCED AGE WHERE CONFINEMENT WILL ENDANGER OR SHORTEN LIFE — CERTIFICATION TO PAROLE BOARD, REPORT TO GOVERNOR, PROCEDURE. — Whenever any offender is afflicted with a disease which is terminal, or is advanced in age to the extent that the offender is in need of long-term nursing home care, or when confinement will necessarily greatly endanger or shorten the offender's life, the correctional center's

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physician shall certify such facts to the chief medical administrator, stating the nature of the disease. The chief medical administrator with the approval of the director will then forward the certificate to the [board of probation and] parole **board** who in their discretion may grant a medical parole or at their discretion may recommend to the governor the granting or denial of a commutation.

217.270. PAROLE BOARD TO HAVE ACCESS TO OFFENDERS AND RECORDS, WHEN. — All correctional employees shall:

(1) Grant to members of the state [board of probation and] parole **board** or its properly accredited representatives access at all reasonable times to any offender;

(2) Furnish to the board the reports that the board requires concerning the conduct and character of any offender in their custody; and

(3) Furnish any other facts deemed pertinent by the board in the determination of whether an offender shall be paroled.

217.362. PROGRAM FOR OFFENDERS WITH SUBSTANCE ABUSE ADDICTION — ELIGIBILITY, DISPOSITION, PLACEMENT — COMPLETION, EFFECT. — 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug or alcohol treatment for a period of at least twelve and no more than twenty-four months, as well as a term of incarceration. The department shall determine the nature, intensity, duration, and completion criteria of the education, treatment, and aftercare portions of any program services provided. Execution of the offender's term of incarceration shall be suspended pending completion of said program. Allocation of space in the program may be distributed by the department in proportion to drug arrest patterns in the state. If the court is advised that an offender is not eligible or that there is no space available, the court shall consider other authorized dispositions.

3. Upon successful completion of the program, the [board] **division** of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. If the court determines that probation is not appropriate the court may order the execution of the offender's sentence.

4. If it is determined by the department that the offender has not successfully completed the program, or that the offender is not cooperatively participating in the program, the offender shall be removed from the program and the court shall be advised. Failure of an offender to complete the program shall cause the offender to serve the sentence prescribed by the court and void the right to be considered for probation on this sentence.

5. An offender's first incarceration in a department of corrections program pursuant to this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term pursuant to the provisions of section 558.019.

217.364. OFFENDERS UNDER TREATMENT PROGRAM, PLACEMENT, RULES — ELIGIBILITY — USE, PURPOSE, AVAILABILITY — FAILURE TO COMPLETE. — 1. The department of corrections shall establish by regulation the "Offenders Under Treatment Program". The program shall include

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institutional placement of certain offenders, as outlined in subsection 3 of this section, under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

2. As used in this section, the term "offenders under treatment program" means a one-hundred-eighty-day institutional correctional program for the monitoring, control and treatment of certain substance abuse offenders and certain nonviolent offenders followed by placement on parole with continued supervision.

3. The following offenders may participate in the program as determined by the department:

(1) Any nonviolent offender who has not previously been remanded to the department and who has been found guilty of violating the provisions of chapter 195 or 579 or whose substance abuse was a precipitating or contributing factor in the commission of his **or her** offense; or

(2) Any nonviolent offender who has pled guilty or been found guilty of a crime which did not involve the use of a weapon, and who has not previously been remanded to the department.

4. This program shall be used as an intermediate sanction by the department. The program may include education, treatment and rehabilitation programs. If an offender successfully completes the institutional phase of the program, the department shall notify the [board of probation and] parole **board** within thirty days of completion. Upon notification from the department that the offender has successfully completed the program, the [board of probation and] parole **board** may at its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be taken out of the program and shall serve the remainder of his **or her** sentence with the department.

7. Time spent in the program shall count as time served on the sentence.

217.455. DIRECTOR OF DIVISION OF ADULT INSTITUTIONS TO TRANSMIT INFORMATION AND REQUEST. — The request provided for in section 217.450 shall be delivered to the director, who shall forthwith:

(1) Certify the term of commitment under which the offender is being held, the time already served, the time remaining to be served on the sentence, the time of parole eligibility of the offender, and any decisions of the state [board of probation and] parole **board** relating to the offender; and

(2) Send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the prosecuting attorney to whom it is addressed.

217.541. HOUSE ARREST PROGRAM, DEPARTMENT TO ESTABLISH AND REGULATE — LIMITED RELEASE, WHEN — ARREST WARRANT MAY BE ISSUED BY PROBATION OR PAROLE OFFICER, WHEN — OFFENDERS TO FUND PROGRAM. — 1. The department shall by rule establish a program of house arrest. The director or his **or her** designee may extend the limits of confinement of offenders serving sentences for class D or E felonies who have one year or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program.

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state [board of probation and] parole **board**.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his **or her** place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The [board] **division** of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his **or her** designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

6. Each offender who is released to house arrest shall pay a percentage of his **or her** wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program.

217.650. DEFINITIONS. — As used in sections 217.650 to 217.810, unless the context clearly indicates otherwise, the following terms mean:

(1) ["Board", the state board of probation and parole;

(2) "Chairman"] **"Chairperson"**, [chairman] **chairperson** of the [board of probation and] parole **board who shall be appointed by the governor;**

[(3)] **(2)** "Diversionary program", a program designed to utilize alternatives to incarceration undertaken under the supervision of the [board] **division of probation and parole** after commitment of an offense and prior to arraignment;

[(4)] **(3)** "Parole", the release of an offender to the community by the court or the state [board of probation and] parole **board** prior to the expiration of his term, subject to conditions imposed by the court or the **parole board** and to its supervision **by the division of probation and parole;**

(4) "Parole board", the state board of parole;

(5) "Prerelease program", a program relating to an offender's preparation for, or orientation to, supervision by the [board] **division of probation and parole** immediately prior to or immediately after assignment of the offender to the [board] **division of probation and parole** for supervision;

(6) "Pretrial program", a program relating to the investigation or supervision of persons referred or assigned to the [board] **division of probation and parole** prior to their conviction;

(7) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the [board] **division of probation and parole;**

(8) "Recognizance program", a program relating to the release of an individual from detention who is under arrest for an offense for which he **or she** may be released as provided in section 544.455.

217.655. PAROLE BOARD, GENERAL DUTIES — DIVISION DUTIES. — 1. The parole board shall be responsible for determining whether a person confined in the department shall be paroled or released conditionally as provided by section 558.011. The **parole** board shall receive administrative support from the division of probation and parole. The division of probation and parole shall provide supervision to all persons referred by the circuit courts of the state as provided by sections 217.750 and 217.760. The **parole** board shall exercise independence in making decisions about individual cases, but operate cooperatively within the department and with other agencies, officials, courts, and stakeholders to achieve systemic improvement including the requirements of this section.

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2. The **parole** board shall adopt parole guidelines to:
 - (1) Preserve finite prison capacity for the most serious and violent offenders;
 - (2) Release supervision-manageable cases consistent with section 217.690;
 - (3) Use finite resources guided by validated risk and needs assessments;
 - (4) Support a seamless reentry process;
 - (5) Set appropriate conditions of supervision; and
 - (6) Develop effective strategies for responding to violation behaviors.
3. The **parole** board shall collect, analyze, and apply data in carrying out its responsibilities to achieve its mission and end goals. The **parole** board shall establish agency performance and outcome measures that are directly responsive to statutory responsibilities and consistent with agency goals for release decisions, supervision, revocation, recidivism, and caseloads.
4. The **parole** board shall publish parole data, including grant rates, revocation and recidivism rates, length of time served, and successful supervision completions, and other performance metrics.
5. The **chairperson of the parole** board shall **employ such employees as necessary to carry out its responsibilities, serve as the appointing authority over such employees, and** provide for appropriate training to members and staff, including communication skills.
6. The division of probation and parole shall provide such programs as necessary to carry out its responsibilities consistent with its goals and statutory obligations.

217.665. BOARD MEMBERS, APPOINTMENT, QUALIFICATIONS — TERMS, VACANCIES — DESIGNATION OF CHAIR AND VICE CHAIR — COMPENSATION, EXPENSES. — 1. Beginning August 28, 1996, the parole board shall consist of seven members appointed by the governor by and with the advice and consent of the senate.

2. Beginning August 28, 1996, members of the board shall be persons of recognized integrity and honor, known to possess education and ability in decision making through career experience and other qualifications for the successful performance of their official duties. Not more than four members of the board shall be of the same political party.

3. At the expiration of the term of each member and of each succeeding member, the governor shall appoint a successor who shall hold office for a term of six years and until his successor has been appointed and qualified. Members may be appointed to succeed themselves.

4. Vacancies occurring in the office of any member shall be filled by appointment by the governor for the unexpired term.

5. The governor shall designate one member of the board as [chairman] **chair** and one member as vice [chairman] **chair**. The [chairman] **chair** shall establish the duties and responsibilities of the members of the board and supervise their performance and may require reports from any member as to his or her conduct and exercise of duties. In the event of the [chairman's] **chair's** removal, death, resignation, or inability to serve, the vice [chairman] **chair** shall act as [chairman] **chair** upon written order of the governor or [chairman] **chair**.

6. Members of the board shall devote full time to the duties of their office and before taking office shall subscribe to an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri. The oath shall be signed in the office of the secretary of state.

7. The annual compensation for each member of the board whose term commenced before August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including prior salary adjustments, provided pursuant to section 105.005. Salaries for board members whose terms commence after August 27, 1999, shall be set as provided in section 105.950; provided, however, that the compensation of a board member shall not be increased during the member's term of office, except as provided in section 105.005. In addition to compensation provided by law, the members shall be entitled to reimbursement for necessary travel and other expenses incurred pursuant to section 33.090.

8. Any person who served as a member of the board of probation and parole prior to July 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state employees' retirement system as a special consultant on the problems of retirement, aging and other state matters. As compensation for such services, such consultant shall not be denied use of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter 104, provided such sick leave was maintained by the board of probation and parole in the regular course of business prior to July 1, 2000, but only to the extent of such sick leave records are consistent with the rules promulgated pursuant to section 36.350. Nothing in this section shall authorize the use of any other form of leave that may have been maintained by the board prior to July 1, 2000.

217.690. BOARD MAY ORDER RELEASE OR PAROLE — ASSESSMENT, PERSONAL HEARING — FEE — RULES — ELIGIBILITY FOR PAROLE, HOW CALCULATED — FIRST DEGREE MURDER, ELIGIBILITY FOR HEARING — HEARING PROCEDURE — NOTICE — SPECIAL CONDITIONS — EDUCATION REQUIREMENTS, EXCEPTIONS — RULEMAKING AUTHORITY. — 1. All releases or paroles shall issue upon order of the **parole** board, duly adopted.

2. Before ordering the parole of any offender, the **parole** board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the **parole** board. The **parole** board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him or her, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the **parole** board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the **parole** board.

3. The division of probation and parole has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under division supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the division of probation and parole to assist offenders to successfully complete probation, parole, or conditional release. The [board] **division of probation and parole** shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

4. The **parole** board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.

5. When considering parole for an offender with consecutive sentences, the minimum term for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or multiple terms of imprisonment that, taken together, amount to fifteen or more years who was under eighteen years of age at the time of the commission of the offense or offenses may be eligible for parole after serving fifteen years of incarceration, regardless of whether the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in accordance with regulations promulgated by the parole board.

7. The provisions of subsection 6 of this section shall not apply to an offender found guilty of murder in the first degree or capital murder who was under eighteen years of age when the offender committed the offense or offenses who may be found ineligible for parole or whose parole eligibility may be controlled by section 558.047 or 565.033.

[6.] 8. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

[7.] 9. A victim who has requested an opportunity to be heard shall receive notice that the parole board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

[8.] 10. Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a parole board member at the parole board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The parole board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

[9.] 11. The parole board shall notify any person of the results of a parole eligibility hearing if the person indicates to the parole board a desire to be notified.

[10.] 12. The parole board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

[11.] 13. Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The parole board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community. Parole board rules shall permit parole conditions to be modified by parole officers with review and approval by supervisors.

[12.] 14. Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

[13.] 15. Beginning January 1, 2001, the parole board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the parole board is satisfied that the

offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the **parole** board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

[14.] **16.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

217.692. ELIGIBILITY FOR PAROLE, OFFENDERS WITH LIFE SENTENCE, WHEN — CRITERIA — PERJURY, PENALTY. — 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or life without parole, whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

- (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;
- (2) Has no prior violent felony convictions;
- (3) No longer has a cognizable legal claim or legal recourse; and
- (4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records;

shall be eligible for parole after having served fifteen years of such sentence when the **parole** board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

2. The [board of probation and] **parole board** shall give a thorough review of the case history and prison record of any offender described in subsection 1 of this section. At the end of the **parole** board's review, the **parole** board shall provide the offender with a copy of a statement of reasons for its parole decision.

3. Any offender released under the provisions of this section shall be under the supervision of the [parole board] **division of probation and parole** for an amount of time to be determined by the **parole** board.

4. The parole board shall consider, but not be limited to the following criteria when making its parole decision:

- (1) Length of time served;
- (2) Prison record and self-rehabilitation efforts;
- (3) Whether the history of the case included corroborative material of physical, sexual, mental, or emotional abuse of the offender, including but not limited to witness statements, hospital records, social service records, and law enforcement records;
- (4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;
- (5) Any victim information outlined in subsection [8] **10** of section 217.690 and section 595.209;
- (6) The offender's continued claim of innocence;
- (7) The age and maturity of the offender at the time of the **parole** board's decision;
- (8) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment;

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(9) The presence of a workable parole plan; and

(10) Community and family support.

5. Nothing in this section shall limit the review of any offender's case who is eligible for parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole prior to fifteen years.

6. Nothing in this section shall limit the review of any offender's case who has applied for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

7. It shall be the responsibility of the offender to petition the **parole** board for a hearing under this section.

8. A person commits the crime of perjury if he or she, with the purpose to deceive, knowingly makes a false witness statement to the **parole** board. Perjury under this section shall be a class D felony.

9. In cases where witness statements alleging physical or sexual domestic violence are in conflict as to whether such violence occurred or was continual and substantial in nature, the history of such alleged violence shall be established by other corroborative evidence in addition to witness statements, as provided by subsection 1 of this section. A contradictory statement of the victim shall not be deemed a conflicting statement for purposes of this section.

217.695. RELEASE FROM CUSTODY UNDER SUPERVISION OF DIVISION OF PROBATION AND PAROLE, REGISTRATION WITH LAW ENFORCEMENT OFFICIALS REQUIRED. — 1. As used in this section, the following terms mean:

(1) "Chief law enforcement official", the county sheriff, chief of police or other public official responsible for enforcement of criminal laws within a county or city not within a county;

(2) "County" includes a city not within a county;

(3) "Offender", a person in the custody of the department or under the supervision of the [board] **division of probation and parole**.

2. Each offender to be released from custody of the department who will be under the supervision of the [board] **division of probation and parole**, except an offender transferred to another state pursuant to the interstate corrections compact, shall shortly before release be required to: complete a registration form indicating his **or her** intended address upon release, employer, parent's address, and such other information as may be required; submit to photographs; submit to fingerprints; or undergo other identification procedures including but not limited to hair samples or other identification indicia. All data and indicia of identification shall be compiled in duplicate, with one set to be retained by the department, and one set for the chief law enforcement official of the county of intended residence.

3. Any offender subject to the provisions of this section who changes his **or her** county of residence shall, in addition to notifying the [board] **division** of probation and parole, notify and register with the chief law enforcement official of the county of residence within seven days after he **or she** changes his **or her** residence to that county.

4. Failure by an offender to register with the chief law enforcement official upon a change in the county of his **or her** residence shall be cause for revocation of the parole of the person except for good cause shown.

5. The department, the [board] **division of probation and parole**, and the chief law enforcement official shall cause the information collected on the initial registration and any subsequent changes in residence or registration to be recorded with the highway patrol criminal information system.

6. The director of the department of public safety shall design and distribute the registration forms required by this section and shall provide any administrative assistance needed to facilitate the provisions of this section.

217.710. FIREARMS, AUTHORITY TO CARRY, DEPARTMENT'S DUTIES, TRAINING — RULEMAKING PROCEDURE. — 1. Probation and parole officers, supervisors and members of the

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[board of probation and] parole **board**, who are certified pursuant to the requirements of subsection 2 of this section shall have the authority to carry their firearms at all times. The department of corrections shall promulgate policies and operating regulations which govern the use of firearms by probation and parole officers, supervisors and members of the **parole board** when carrying out the provisions of sections 217.650 to 217.810. Mere possession of a firearm shall not constitute an employment activity for the purpose of calculating compensatory time or overtime.

2. The department shall determine the content of the required firearms safety training and provide firearms certification and recertification training for probation and parole officers, supervisors and members of the [board of probation and] **parole board**. A minimum of sixteen hours of firearms safety training shall be required. In no event shall firearms certification or recertification training for probation and parole officers and supervisors exceed the training required for officers of the state highway patrol.

3. The department shall determine the type of firearm to be carried by the officers, supervisors and members of the [board of probation and] **parole board**.

4. Any officer, supervisor or member of the [board of probation and] **parole board** that chooses to carry a firearm in the performance of such officer's, supervisor's or member's duties shall purchase the firearm and holster.

5. The department shall furnish such ammunition as is necessary for the performance of the officer's, supervisor's and member's duties.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in section 571.030 or this section shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in section 571.030 or this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

217.735. LIFETIME SUPERVISION REQUIRED FOR CERTAIN OFFENDERS — ELECTRONIC MONITORING — TERMINATION AT AGE SIXTY-FIVE PERMITTED, WHEN — RULEMAKING AUTHORITY. — 1. Notwithstanding any other provision of law to the contrary, the division of probation and parole shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

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4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the **parole** board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

6. In accordance with section 217.040, the [board] **division of probation and parole** may adopt rules relating to supervision and electronic monitoring of offenders under this section.

217.829. ASSETS TO BE LISTED BY PRISONERS ON FORM UNDER OATH — FAILURE TO COMPLY, EFFECT — DEPARTMENT TO REQUEST ASSIGNMENTS. — 1. The department shall develop a form which shall be used by the department to obtain information from all offenders regarding their assets.

2. The form shall be submitted to each offender as of the date the form is developed and to every offender who thereafter is sentenced to imprisonment under the jurisdiction of the department. The form may be resubmitted to an offender by the department for purposes of obtaining current information regarding assets of the offender.

3. Every offender shall complete the form or provide for completion of the form and the offender shall swear or affirm under oath that to the best of his or her knowledge the information provided is complete and accurate. Any person who shall knowingly provide false information on said form to state officials or employees shall be guilty of the crime of making a false affidavit as provided by section 575.050.

4. Failure by an offender to fully, adequately and correctly complete the form may be considered by the [board of probation and] parole **board** for purposes of a parole determination, and in determining an offender's parole release date or eligibility and shall constitute sufficient grounds for denial of parole.

5. Prior to release of any offender from imprisonment, and again prior to release from the jurisdiction of the department, the department shall request from the offender an assignment of ten percent of any wages, salary, benefits or payments from any source. Such an assignment shall be valid for the longer period of five years from the date of its execution, or five years from the date that the offender is released from the jurisdiction of the department or any of its divisions or agencies. The assignment shall secure payment of the total cost of care of the offender executing the assignment. The restrictions on the maximum amount of earnings subject to garnishment contained in section 525.030 shall apply to earnings subject to assignments executed pursuant to this subsection.

281.015. DIRECTOR OF AGRICULTURE TO ADMINISTER. — Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri[, hereafter referred to as the "director"].

281.020. DEFINITIONS. — As used in sections 281.010 to 281.115, the following terms mean:

(1) "Animal", all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(2) "Applicator, operator or technician":

(a) **"Certified applicator", any certified commercial applicator, certified noncommercial applicator, certified private applicator, certified provisional private applicator, or certified public operator;**

(b) "Certified commercial applicator", any individual, whether or not [he] **the individual** is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, [or] determine the need for the use of, **or supervise the determination of need for** any pesticide, whether classified for restricted use or for general use, while [he] **the individual** is

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engaged in the business of using pesticides on the lands of another as a direct service to the public in exchange for a fee or compensation;

[(b)] (c) "Certified noncommercial applicator", any individual, whether or not [he] **the individual** is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by [him] **the individual** or [his] **the individual's** employer;

[(c)] (d) "Certified private applicator", any individual who is certified by the director as authorized to use[, or to supervise the use of,] any pesticide [which] **that** is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by [him] **the individual** or [his] **the individual's** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, on the property of another person];

[(d)] (e) "Certified provisional private applicator", any individual who is sixteen or seventeen years of age, an immediate family member of a certified private applicator, and certified by the director to use any pesticide that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the individual's immediate family member, as long as the following requirements are met:

- a. The restricted use pesticide is not a fumigant;
- b. The restricted use pesticide does not contain sodium cyanide or sodium fluoroacetate;
- c. The individual does not apply any restricted use pesticide using aerial application equipment;
- d. The individual does not supervise the use of any restricted use pesticide; and
- e. The individual does not purchase any restricted use pesticide;

[(f)] (f) "Certified public operator", any individual who is certified by the director as authorized to use, or to supervise the use of, any pesticide classified for restricted use in the performance of [his] **the individual's** duties as an official or employee of any agency of the state of Missouri or any political subdivision thereof, or any other governmental agency;

[(e)] (g) "Noncertified restricted use pesticide applicator", any person who is not certified in accordance with sections 281.010 to 281.115 who uses or determines the need for the use of restricted use pesticides under the direct supervision of a certified commercial applicator or uses restricted use pesticides under the direct supervision of a certified noncommercial applicator or certified public operator;

[(h)] (h) "Private applicator", any person not holding a certified private applicator's license or certified provisional private applicator's license who [shall be required to obtain a permit for the use of any restricted use pesticide] uses general use pesticides or minimum risk pesticides for the purposes of producing any agricultural commodity on property owned or rented by [him] **the person** or [his] **the person's** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of that pesticide];

[(f)] (i) "Pesticide technician", any individual working under the direct supervision of a commercial applicator certified in categories as specified by regulation, and who having met the competency requirements of [this chapter] sections 281.010 to 281.115, is authorized by the director to determine the need for the use of any pesticide as well as to the use of any pesticide;

[(g)] (j) "Pesticide technician trainee", any individual working in the physical presence and under the direct supervision of a certified commercial applicator to gain the required on-the-job training in preparation for obtaining a pesticide technician's license;

(3) "Beneficial insects", those insects [which] **that**, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

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(4) "Defoliant", any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;

(5) **"Department" or "department of agriculture", the state department of agriculture, and when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the director of the department of agriculture is authorized to perform such duty;**

(6) "Desiccant", any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

[(6)] (7) "Determining the need for the use of any pesticide", the act of inspecting land for the presence of pests for the purpose of contracting for their control or prevention through the use of pesticides in categories as specified by regulation;

[(7)] (8) "Device", any instrument or contrivance, other than a firearm, [which] **that** is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;

(9) **"Director", the director of the department of agriculture or the director's designee;**

(10) **"Distribute", to sell, offer for sale, hold for sale, deliver for transportation in intrastate commerce, or transport in intrastate commerce;**

[(8)] (11) "Environment" includes, **but is not limited to**, water, air, land, and all plants and man and other animals living therein, and the interrelationships [which] **that** exist among these;

[(9)] (12) "Equipment" [means], any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;

[(10)] (13) "Fungus", any nonchlorophyll-bearing thallophyte, [that] **which** is[,] any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, **such as**[,] for example,] rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;

(14) **"General use pesticide", any pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, that will not generally cause unreasonable adverse effects on the environment;**

(15) **"Immediate family", familial relationships limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. As used in this subdivision, "first cousin" means the child of a parent's sibling, i.e., the child of an aunt or uncle;**

[(11)] (16) "Individual", any responsible, natural human being;

[(12)] (17) "Insect", any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, **such as**[,] for example,] beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, **such as**[,] for example,] spiders, mites, ticks, centipedes, and wood lice;

[(13)] (18) "Land", all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;

(19) "Minimum risk pesticide", any pesticide product exempted under 40 C.F.R. 152.25(f) from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

[(14)] **(20) "Misuse of a pesticide", a use of any [registered] pesticide in a manner inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes, and when requested in writing by the person on whose behalf a pesticide is used;**

[(15)] **(21) "Nematode", invertebrate animals of the phylum Nematelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;**

(22) "Nontarget organism", any plant, animal, or organism other than the target pests that a pesticide is intended to affect;

[(16)] **(23) "Person", any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;**

[(17)] **(24) "Pest":**

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, [which] **that** is normally considered to be a pest;

[(18)] **(25) "Pesticide":**

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

[(19)] **(26) "Pesticide dealer", any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;**

(27) "Pesticide dealership", any location or outlet where restricted use pesticides are held for sale, distributed, or sold;

[(20)] **(28) "Plant regulator", any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The term "plant regulator" does not include any of those nutrient mixtures or soil amendments [which] **that** are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and [which] **that** are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;**

[(21)] **"Private applicator permit", a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator. Such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of such pesticide;**

(22)] **(29) "Restricted use pesticide" or "RUP", any pesticide when applied in accordance with its directions for use, warnings, and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;**

[(23)] **(30) "Sale", selling or offering for sale any pesticide;**

[(24)] **(31) "Snails" or "slugs" includes all harmful mollusks;**

[(25)] **(32)** "Unreasonable adverse effects on the environment", any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

[(26)] **(33)** "Under the direct supervision of a certified applicator", when a pesticide is used by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is used;

[(27)] **(34)** "Use", mixing, **loading, or applying**[, storing or disposing of a] **any pesticide; cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment wash waters, or other pesticide-containing materials;**

[(28)] **(35)** "Weed", any plant [which] **that** grows where not wanted; [and

(29)] **(36)** "Wildlife", all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. DIRECTOR MAY ISSUE REGULATIONS — NOTICE, HOW GIVEN — LIST OF RESTRICTED USE PESTICIDES, ADOPTION OF — PUBLIC HEARINGS, WHEN — RULEMAKING PROCEDURE. —

1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors [which] **that** the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if [he] **the director** finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. [The director may, by regulation, provide for the one-time emergency purchase and one-time emergency use of a restricted use pesticide by a private applicator.]

2. The pesticides on the list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri. The director shall publish, at least annually, a list of pesticides [which] **that** have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when used in accordance with its directions for use, warnings, and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons, the pesticide shall be used only by or under the direct supervision of a certified applicator[, or a private applicator with a permit]. Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days' prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other

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persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

281.030. CLASSIFICATION OF LICENSES, HOW MADE — RULEMAKING POWERS — FEES.

— 1. The director may, by regulation, classify [certified applicator, operator or technician] licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators, **provisional private applicators**, public operators [or], pesticide technicians, **or noncertified RUP applicators**. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements; provided, that no individual shall be required to pay an additional fee if [he] **the individual** is certified in one or all of the certification categories provided under the license for which [he] **the individual** has applied. The director may, by regulation, establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. The director may by regulation establish fees for identification documents.

281.035. CERTIFIED COMMERCIAL APPLICATOR'S LICENSE REQUIRED WHEN, ANNUAL FEE — APPLICATION FOR LICENSE, HOW MADE — EXAMINATIONS — RECORDS TO BE KEPT — INCAPACITY OF SOLE CERTIFIED APPLICATOR, EFFECT OF.

— 1. No individual shall engage in the business of determining the need for the use of, supervising the use of, **supervising the determination of the need for the use of**, or using any pesticide, in categories as specified by regulation, on the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not determine the need for the use of, supervise the use of, **supervise the determination of the need for the use of**, or use any pesticide for any particular purpose unless [he or she] **the certified commercial applicator** has demonstrated [his or her] **such certified commercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of sixty-five dollars for each certified commercial applicator's license issued. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any **general use pesticide or minimum risk pesticide** on the land of another at any time unless such individual is a pesticide technician or pesticide technician trainee in such categories as specified by regulation or is working under the direct supervision of a certified commercial applicator so authorizing, directing or instructing, in which case the certified commercial applicator shall be liable for any use of a **general use pesticide or minimum risk pesticide** by an individual operating under [his or her] **the certified commercial applicator's** direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten [working] days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. **No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any restricted use pesticide on the land of another at any time unless such individual is licensed as a noncertified RUP**

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applicator while working under the direct supervision of a certified commercial applicator so authorizing, directing, or instructing, in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.

3. Application for a certified commercial applicator's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] **4.** The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications [he or she] **the applicant** had applied for, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of commercial applicators.

[4.] **5.** The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[5.] **6.** If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case [said] **the license** shall expire upon the expiration date of the financial responsibility. The director may limit the license of the applicant to the use of certain [restricted use] pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] **7.** The director shall require each certified commercial applicator or [his or her] **the certified commercial applicator's** employer to maintain records with respect to applications of any pesticide, **including pesticides used under direct supervision by licensed pesticide technicians, pesticide technician trainees, and licensed noncertified RUP applicators.** Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or [his or her] **the certified commercial applicator's** employer.

[7.] **8.** A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of [his or her] **such person's or individual's** sole certified commercial applicator by reason of death, illness, incapacity, or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of [his or her] **such person's or individual's** sole certified commercial applicator.

[8.] **9.** Every certified commercial applicator shall display [his or her] **the certified commercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator; that place, location, or office being at the address printed on the license.

[9.] **10.** Every certified commercial applicator who changes the address from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. CERTIFIED NONCOMMERCIAL APPLICATOR'S LICENSE, WHEN REQUIRED — APPLICATION FOR CERTIFIED NONCOMMERCIAL APPLICATOR'S LICENSE, EXAMINATION, FEE — SCOPE OF LICENSE — RECORDS TO BE KEPT. — 1. Any individual who is not certified pursuant to section 281.035, 281.040, or 281.045[, or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040] shall not use, or supervise the use of, any [restricted-use] **restricted use** pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless [he or she] **the certified noncommercial applicator** has demonstrated [his or her] **the certified noncommercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. **No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.**

3. Application for a certified noncommercial applicator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] **4.** The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he or she] **the applicant** has applied, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

[4.] **5.** If the director finds the applicant qualified to use restricted use pesticides in the classification for which [he or she] **the applicant** has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which [he or she] **the applicant** is certified. The license shall expire one year from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[5.] **6.** The director may renew any certified noncommercial applicator license under the classification for which the license is issued [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to apply pesticides safely and properly.

[6.] **7.** The director shall collect a fee of thirty-five dollars for each certified noncommercial applicator license issued.

[7.] **8.** Any certified noncommercial applicator may use, or supervise the use of, restricted use pesticides only to or on lands or structures owned, leased or rented by [himself or herself] **the certified noncommercial applicator** or [his or her] **the certified noncommercial applicator's** employer.

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[8.] **9.** The director shall require the certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer to maintain records with respect to applications of restricted use pesticides. Any relevant information [which] **that** the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer.

[9.] **10.** Every certified noncommercial applicator shall display [his or her] **the certified noncommercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator; that place, location, or office being at the address printed on the license.

[10.] **11.** Every certified noncommercial applicator who changes the address from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.038. DETERMINATION OF NEED FOR USE OF PESTICIDE, WHO MAY MAKE — PESTICIDE TECHNICIAN'S LICENSE, APPLICATION, REQUIREMENTS, FEE. — 1. [After July 1, 1990.] No individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of **or use** any **general use** pesticide [nor use any] **or minimum risk** pesticide in categories as specified by regulation, unless and until the individual has met the requirements of [this chapter] **sections 281.010 to 281.115.**

2. Application for a pesticide technician's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department.** Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated [his or her] **the applicant's** competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use pesticide:

(1) A certified commercial applicator shall be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator shall be certified in the same use categories as the pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

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281.040. PRIVATE APPLICATOR'S LICENSE, QUALIFICATIONS FOR, DURATION, RENEWAL — EMERGENCY USE OF RESTRICTED PESTICIDES, WHEN AUTHORIZED. — 1. No private applicator shall use any [restricted-use] **restricted use** pesticide unless [he] **the private applicator** first complies with the requirements determined pursuant to subsection [2 or 5] **3** of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. **No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator.**

3. The private applicator shall qualify for a certified private applicator's license **or a certified provisional private applicator's license** by [either] attending [a course or completing an online course of instruction] **an approved certification training program provided by University of Missouri Extension, completing an online certification training program provided by University of Missouri Extension, or by passing the required private applicator certification examination** provided by the director on the use, handling, storage, and application of [restricted-use] **restricted use pesticides in the proper certification categories as specified by regulation.** The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the [course] **certification training program, completion of the online certification training program, or passage of the required private applicator certification examination,** the director shall issue a certified private applicator's license **or certified provisional private applicator's license** to the applicant. The director shall not collect a fee for the issuance of such license[, but the]. University of Missouri Extension [service may] **shall collect [a fee for the actual cost of the materials necessary to complete the course of instruction] reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online.** [However, no fee] **Such fees** shall be assessed [or collected from an individual completing an online course of instruction. Both the director of the department and of the University of Missouri Extension service shall review such costs annually.] **based on the majority decision of a review committee convened every five years or as needed by the director. Such fees shall not exceed seventy-five dollars per program per applicant unless the members of the review committee representing statewide agricultural organizations vote unanimously in favor of setting the fee in an amount in excess of seventy-five dollars. Such committee shall be provided revenue and expense information for the training program from the University of Missouri Extension and information on the content of the instruction and method of delivery from the director. The review committee shall also determine a maximum in-seat training time limit for the training programs. The committee shall report its minutes, fee decisions, time limitation decisions, and its evaluation of the training provided to the chairs of the House of Representatives and Senate agriculture or equivalent committees. The review committee shall be composed of five members including:**

- (1) **The director;**
- (2) **The director of the University of Missouri Extension, or such director's designee;**
- (3) **The president of a statewide corn producers organization who actively grows corn, or such president's designee;**
- (4) **The president of a statewide soybean producers organization who actively grows soybeans, or such president's designee; and**
- (5) **The president of the state's largest general farm membership organization, or such president's designee.**

[3.] **4.** A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years [without additional training unless the director

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determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary.] **upon successful completion of approved recertification training or by passing the required private applicator certification examination.**

5. On the date of the certified provisional private applicator's eighteenth birthday, such certified provisional private applicator's license shall automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may be renewed as a certified private applicator's license without charge or additional fee.

[4.] **6. If the director does not qualify the private applicator under this section [he] , the director shall inform the applicant in writing of the reasons therefor.**

[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one-time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]

281.045. CERTIFIED OPERATOR LICENSE, WHEN REQUIRED — APPLICATION, REQUIREMENTS, EXAMINATION — MAINTENANCE OF RECORDS — LIABILITY OF GOVERNMENTAL AGENCIES. — 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless [he] **the certified public operator** has demonstrated [his] **the certified public operator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. [Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.]

3. **No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified public operator so authorizing, directing, or instructing, in which case the certified public operator shall be liable for any use of a restricted use pesticide by an individual operating under the certified public operator's direct supervision.**

4. Application for a certified public operator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include all information prescribed by the director by regulation.

[4.] **5. The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his] the applicant's competence and knowledge of the proper use of pesticides under the classifications for which [he] the applicant has applied, and [his] the applicant's knowledge of the standards prescribed by regulations for the certification of public operators.**

[5.] **6. If the director finds the applicant qualified to use pesticides in the classification for which [he] the applicant has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of [his] the operator's employment. A certified public operator license shall expire three years from the date**

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of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] 7. The director may renew any certified public operator license under the classification for which that applicant is licensed[, subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[7.] 8. The director shall require the certified public operator, or [his] **the certified public operator's** employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or [his] **the certified public operator's** employer.

[8.] 9. Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any use of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

[9.] 10. Every certified public operator shall display [his] **the certified public operator's** license in a prominent place at the site, location, or office from which [he] **the certified public operator** will operate as a certified public operator, that place, location, or office being at the address printed on the license.

[10.] 11. Every certified public operator who changes the address from which [he] **the certified public operator** will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

12. Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

281.048. NONCERTIFIED RUP APPLICATOR LICENSE — APPLICATION, ISSUANCE AND RENEWAL, FEE — AUTHORITY OF LICENSEE, LIMITATION BY DIRECTOR, WHEN — NOTIFICATION BY LICENSEE OF CHANGES — RETRAINING — DISPLAY OF LICENSE. — 1. No individual shall use or determine the need for the use of any restricted use pesticide while working under the direct supervision of a certified commercial applicator until the individual has met the requirements of this section.

2. No individual shall use restricted use pesticides while working under the direct supervision of a certified noncommercial applicator or certified public operator until the individual has met the requirements of this section.

3. Application for a noncertified RUP applicator's license shall be submitted to the director on a designated form obtained from the department. Each application shall include such information as prescribed by the director by regulation.

4. The director shall issue or renew a noncertified RUP applicator license once an individual has met the requirements set forth in 40 C.F.R. 171.201(c)(1) or (3). The director shall collect an annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license shall be valid for one year unless revoked or suspended by the department prior to its expiration. Any individual whose application is denied shall receive a written explanation as to the determination of the denial.

5. Individuals holding a valid noncertified RUP applicator license may use and determine the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides under the direct supervision of a certified commercial applicator and only for the categories in which the commercial applicator is certified. The director may limit the license of the applicant to the use of certain pesticides, to certain areas, or to certain types of equipment if the applicant is only so qualified.

6. Every certified commercial applicator, certified noncommercial applicator, or certified public operator providing direct supervision to a licensed noncertified RUP applicator shall immediately notify the director when the licensed noncertified RUP applicator has changed address from which the applicator or operator will operate as a licensed noncertified RUP applicator or when the noncertified RUP applicator's employment has been terminated. The director shall immediately issue a revised license upon which shall be printed the change of address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

7. A noncertified RUP applicator may complete retraining requirements and renew the applicator's license without a certified commercial applicator, certified noncommercial applicator, or certified public operator working from the same physical location.

8. Every licensed noncertified RUP applicator shall display the applicator's license in a prominent place at the site, location, or office from which the applicator will operate as a noncertified RUP applicator, that place, location, or office being at the address printed on the license.

281.050. PESTICIDE DEALER'S LICENSE REQUIRED, FEE, QUALIFICATIONS — GROUNDS FOR SUSPENSION OR REVOCATION — RESTRICTED USE OF PESTICIDES, SALE OR TRANSFER, TO WHOM, EXCEPTION — RECORDS TO BE KEPT — CHANGE OF ADDRESS, NOTICE OF. — 1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless [he or she] **the individual** has obtained a license from the director [which] **that** shall expire one year from date of issuance. [An individual shall be required to obtain a license for] Each **pesticide dealership** location or outlet from which [such] **restricted use** pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user]. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators] **shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale restricted use pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the purposes of this subsection, "selling or holding and offering for sale" shall not include solely transporting product in commerce. No individual shall be issued more than one pesticide dealer license.**

2. Application for a pesticide dealer's license shall be made on a designated form obtained from the [director's office] **department**. The director shall collect a fee of thirty-five dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of [his or her] **the applicator's** pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency [which] **that** provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to [his or her] **the applicant's** knowledge of the laws and regulations governing the use and sale of pesticides and [his or her] **the applicant's** responsibility in carrying on the business of a pesticide dealer **by passing a pesticide dealer examination provided by the director**. Each licensed pesticide dealer shall be responsible for insuring that all of [his or her]

the dealer's employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by [him or her] **the dealer** in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer, agent or employee.

5. No pesticide dealer shall sell, give away or otherwise make available any restricted use pesticides to anyone but certified **commercial applicators, certified noncommercial** applicators [or], **certified public** operators, or to **certified** private applicators [who have met the requirements of subsection 5 of section 281.040,] **holding valid certifications in proper certification categories** or to other **licensed** pesticide dealers, except that pesticide dealers may allow the designated representative of such certified applicators, operators or private applicators to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator, operator or private applicator.

6. The director shall require the pesticide dealer, or [his or her] **the dealer's** employer, to maintain books and records with respect to sales of restricted use pesticides **at each dealership location or outlet**. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or [his or her] **the dealer's** employer.

7. Every licensed pesticide dealer who changes [his or her] **the dealer's** address or place of business shall immediately notify the director.

281.055. LATE RENEWAL OF LICENSE, PENALTY, REEXAMINATION, WHEN — DIRECTOR TO PROVIDE GUIDELINE BOOK, FEE FOR BOOK. — 1. If the [application for] renewal of any license[,] or certification [or permit] provided for in [this chapter] **sections 281.010 to 281.115** is not filed prior to **the** expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license[,] or certification [or permit] shall be renewed; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit]. Any person holding a current valid license[,] or certification [or permit] may renew the license[,] or certification [or permit] for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration [then] , **the license shall be cancelled and** the licensee shall be required to satisfy all the requirements of licensure as if such person was never licensed.

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use[,] a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for [said] **the** publication.

281.060. REVOCATION, SUSPENSION OR MODIFICATION OF LICENSE, WHEN — CIVIL PENALTY, WHEN, AMOUNT, ENFORCEMENT OF. — 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license[, permit,] or certification issued under sections 281.010 to 281.115, if [he] **the director** finds that the applicant or the holder of a license[, permit,] or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing

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a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in [another] **this state or in any state or protectorate of the United States, or has had a pesticide applicator license[,] or certificate [or permit] denied, suspended, revoked or modified by [another] any state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under [this chapter] sections 281.010 to 281.115, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed. Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.**

2. If the director determines, after inquiry and opportunity for a hearing, that any [individual] **person** is in violation of any provision of sections 281.010 to 281.115, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars for each violation, and in addition, may order that restitution be made to any person.

3. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

281.063. DIRECTOR MAY SUBPOENA WITNESSES AND DOCUMENTS, WHEN. — The director may subpoena witnesses and compel the production of books, documents, and records anywhere in the state in any hearing affecting the authority or privilege granted by a license[,] or certificate [or permit] issued under the provisions of sections 281.010 to 281.115.

281.065. BOND OR INSURANCE REQUIRED — DEDUCTIBLE CLAUSE ACCEPTED, WHEN — NEW SURETY, WHEN — LIABILITY, EFFECT OF CHAPTER ON. — 1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of [the operations of] **pesticide use** by the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director [or his or her designee] at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten [working] days of receipt of the request.

2. The amount of the surety bond or liability insurance required by this section shall be not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction of the surety bond or liability insurance. If the surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or

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insurance coverage by the employer. The certified commercial applicator shall then immediately execute **and submit to the director** a surety bond or an insurance policy to cover the financial responsibility requirements of this section and the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder executes and maintains a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in [his or her] **the bond- or policyholder's** application of pesticides.

3. If the surety becomes unsatisfactory, **the commercial applicator license shall expire and become invalid and** the bond- or policyholder shall immediately execute **and submit to the director** a new bond or insurance policy and maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and if [he or she] **the bond- or policyholder** fails to do so, the director shall cancel [his or her] **the bond- or policyholder** license, or deny the license of an applicant, and give [him or her] **the bond- or policyholder** notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

281.070. DAMAGE CLAIMS TO BE FILED WITH DIRECTOR, WHEN DUE — DUTIES OF DIRECTOR — FAILURE TO FILE, EFFECT OF — INVESTIGATION OR HEARING, POWERS OF DIRECTOR. — 1. The director may investigate the use of any pesticide or claims of damages [which] **that** result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that [he] **the person** has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and [he] **the director** shall make [his] **the director's** inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee, and [his] **the licensee's** representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of sections 281.010 to 281.115. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the director may, when in the public interest, refuse to hold a hearing

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for the denial, suspension, or revocation of a license [or permit] issued under sections 281.010 to 281.115 until such report is filed.

4. The director may in the conduct of any investigation or hearing authorized or held by [him] **the director**:

- (1) Examine, or cause to be examined, under oath, any person;
- (2) Examine, or cause to be examined, books and records of the sale or use of any pesticide directly related to the investigation;
- (3) Hear such testimony and take such evidence as will assist [him] **the director** in the discharge of [his] **the director's** duties under [this chapter] **sections 281.010 to 281.115**;
- (4) Administer or cause to be administered [oath] **oaths**; and
- (5) Issue subpoenas to require the attendance of witnesses and the production of books and records directly related to the investigation.

281.075. RECIPROCAL LICENSING AUTHORIZED, WHEN — AGENT TO BE DESIGNATED BY NONRESIDENTS. — [1.] The director may issue a [license or] **pesticide applicator** certification on a reciprocal basis with other states without examination to a nonresident who is licensed [or] **as a certified [in another state substantially] applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be issued** in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility [must] **shall** be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.]

281.085. PESTICIDE CONTAINERS, REGULATION OF, HANDLING OF. — No person shall discard, transport, or store any pesticide or pesticide containers in such a manner **that is inconsistent with label directions or** as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director may promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide containers. In determining these rules and regulations the director shall take into consideration any regulations issued by the federal Environmental Protection Agency.

281.101. UNLAWFUL ACTS. — 1. It shall be unlawful for any [individual] **person** to violate any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

(1) It shall be unlawful to recommend for use, [to] **cause to use**, use, or [to] supervise the use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of FIFRA, **the** Missouri pesticide use act or **the** Missouri pesticide registration act;

(2) It shall be unlawful for any [individual] **person** to misuse any pesticide;

(3) **It shall be unlawful for any person to use or supervise the use of pesticides that are cancelled or suspended;**

(4) **It shall be unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides;**

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(5) It shall be unlawful to make any false or misleading statements during the course of an investigation into the sale, distribution, use, or misuse of any pesticide;

[(4)] (6) It shall be unlawful to make any false or misleading statement on any application, form, or document submitted to the director concerning licensing pursuant to sections 281.010 to 281.115 or any regulations issued thereunder;

[(5)] (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim, through any media, [which] **that** misrepresents the effects of any pesticide, the methods to be utilized in the application of any pesticide, or the qualifications of the person determining the need for the use of any pesticide or using any pesticide;

[(6)] (8) It shall be unlawful to make any false or misleading statement specifying[,] or inferring that a person or [his] **the person's** methods are recommended by any branch of government or that any pesticide work done will be inspected by any branch of government;

[(7)] (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire with any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder; **and**

(10) It shall be unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or to aid or abet any person in stealing or attempting to steal examinations or examination materials, cheating on examinations, or evading recertification or retraining requirements.

3. Other acts [which] **that** are not specified, but [which] **that** violate sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.

304.022. EMERGENCY AND STATIONARY VEHICLES — USE OF LIGHTS AND SIRENS — RIGHT-OF-WAY — PROCEDURE — PENALTY. — 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for

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violations of the laws of the United States, traffic officer, [or] coroner, **medical examiner, or forensic investigator of the county medical examiner's office**, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

307.175. SIRENS AND FLASHING LIGHTS, USE OF, WHEN — PERMITS — VIOLATION, PENALTY. — 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on

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streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

(b) Vehicles operated as described in subsection 1 of this section;

(c) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision;

(d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the county medical examiner's office or a similar entity, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of such professionals have been requested by a law enforcement officer.

(2) The following vehicles and equipment may use or display fixed, flashing, or rotating amber or amber and white lights:

(a) Vehicles and equipment owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs;

(c) Vehicles and equipment operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, a utility worker is present, and such work zone is designated by a sign or signs. As used in this paragraph, the term "utility worker" means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.

311.060. QUALIFICATIONS FOR LICENSES — RESIDENT CORPORATION AND FINANCIAL INTEREST DEFINED — REVOCATION, EFFECT OF, NEW LICENSE, WHEN. — 1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified

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legal voter and taxpaying citizen of the county, town, city or village; and, except as otherwise provided under subsection 7 of this section, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five years have passed since the revocation as provided under subsection 6 of this section, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such corporation, or other financial interest therein, or ten percent or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law except as otherwise provided under subsections 6 and 7 of this section, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor. [Each employer shall report the identity of any employee convicted of a felony to the division of liquor control.] The division of liquor control shall promulgate rules to enforce the provisions of this subdivision.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent by weight, except to a resident corporation as defined in this section.

3. A "resident corporation" is defined to be a corporation incorporated under the laws of this state, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the state for a period of three years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight.

4. The term "financial interest" as used in this chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise,

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except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

5. The supervisor shall by regulation require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the supervisor.

6. Any person whose license or permit issued under this chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five years after the date of the revocation.

7. Any person whose license or permit issued under this chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five years after the date of the revocation. The person may be issued a new license or permit at the discretion of the division of alcohol and tobacco control. If the division denies the request for a new permit or license, the person may not submit a new application for five years from the date of the denial. If the application is approved, the person shall pay all fees required by law for the license or permit. Any person whose request for a new license or permit is denied may seek a determination by the administrative hearing commission as provided under section 311.691.

311.660. POWERS OF SUPERVISOR — REGULATIONS — SUBPOENAS. — 1. The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things:

(1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold under this law;

(2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold under this law; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor;

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for renewal is due, such licensee shall be permitted at least an additional ten days from the date notice is sent that the application is deficient, in which to complete the application;

(4) Prescribe the terms and conditions of the licenses issued and granted under this law;

(5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of duplicate licenses, in lieu of those lost or destroyed;

(6) Establish rules and regulations for the conduct of the business carried on by each specific licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for the revocation or suspension of the license;

(7) The right to examine books, records and papers of each licensee and to hear and determine complaints against any licensee;

(8) To issue subpoenas and all necessary processes and require the production of papers, to administer oaths and to take testimony;

(9) Prescribe all forms of labels to be affixed to all packages containing intoxicating liquor of any kind; and

(10) To make such other rules and regulations as are necessary and feasible for carrying out the provisions of this chapter, as are not inconsistent with this law.

2. Notwithstanding subsection 1 of this section, the supervisor of liquor control shall not prohibit persons from participating in the sale of intoxicating liquor within the scope of their employment solely on the basis of being found guilty of any felony offense, except for prohibitions set forth in sections 311.191 and 311.193.

313.220. RULES AND REGULATIONS — PROCEDURE GENERALLY, THIS CHAPTER — BACKGROUND CHECKS MAY BE REQUIRED, WHEN. — 1. The commission shall promulgate such rules and regulations governing the establishment and operation of a state lottery as it deems necessary and desirable to fully implement the mandate of the people expressed in the approval of the lottery amendment to Article III of the Missouri Constitution. Such rules and regulations shall be designed so that a lottery may be initiated at the earliest feasible and practicable time. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. The commission shall have the authority to require a fingerprint background check on any person seeking employment or employed by the commission, any person seeking contract with or contracted to the commission and any person seeking license from or licensed by the commission. The background check shall include a check of the Missouri criminal records repository and when the commission deems it necessary to perform a nationwide criminal history check, a check of the Federal Bureau of Investigation's criminal records file. Fingerprints shall be submitted to the Missouri criminal records repository as required. Notwithstanding the provisions of section 610.120, the commission shall have access to closed criminal history information when fingerprints are submitted. **The commission shall not prohibit a person from participating in the sale of lottery tickets solely on the basis of the person being found guilty of any criminal offense; except that, the person shall not be eligible to be a licensed lottery game retailer under subsection 2 of section 313.260.**

313.800. DEFINITIONS — ADDITIONAL GAMES OF SKILL, COMMISSION APPROVAL, PROCEDURES. — 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagerers;

(2) "Applicant", any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

- (5) "Cheat", to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;
- (6) "Commission", the Missouri gaming commission;
- (7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person's banking account in an amount determined under section 313.817 on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;
- (8) "Dock", the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;
- (9) "Excursion gambling boat", a boat, ferry [or], other floating facility, **or any nonfloating facility** licensed by the commission on which gambling games are allowed;
- (10) "Fiscal year" [shall for the purposes of subsections 3 and 4 of section 313.820 mean] , the fiscal year of a home dock city or county;
- (11) "Floating facility", any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;
- (12) "Gambling excursion", the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;
- (13) "Gambling game" includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;
- (14) "Games of chance", any gambling game in which the player's expected return is not favorably increased by [his or her] **the player's** reason, foresight, dexterity, sagacity, design, information or strategy;
- (15) "Games of skill", any gambling game in which there is an opportunity for the player to use [his or her] **the player's** reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas hold'em", "double down stud", and any video representation of such games;
- (16) "Gross receipts", the total sums wagered by patrons of licensed gambling games;
- (17) "Holder of occupational license", a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;
- (18) "Licensee", any person licensed under sections 313.800 to 313.850;
- (19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers, including any space filled **wholly or partially** by the water of those rivers [for docking purposes] in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;
- (20) **"Nonfloating facility", any structure within one thousand feet of the Missouri or Mississippi River that contains at least two thousand gallons of water beneath or inside the facility**

either by an enclosed space containing such water or in rigid or semirigid storage containers or structures;

(21) "Supplier", a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. (1) In addition to the games of skill defined in this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing [his or her] **the petitioner's** case by a preponderance of evidence including:

[(1)] (a) Is it in the best interest of gaming to allow the game; and

[(2)] (b) Is the gambling game a game of chance or a game of skill?

(2) All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.805. POWERS OF COMMISSION. — The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311 to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions, provided that the commission shall not establish any regulations or policies that limit the amount of wagers, losses, or buy-in amounts;

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether

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unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) [Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized pursuant to subsection 10 of section 313.812.] The commission shall base its decision to [allow continuously docked] **license** excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. [In addition,] The commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for [continuous-docking] excursion gambling **boats** that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding concerning [the possibility of continuous docking, as described in subdivision (15) of this section,] **the transition from a boat, barge, or floating facility to a nonfloating facility** within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

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(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

313.812. NUMBER OF LICENSES GRANTED IN CITY OR COUNTY, COMMISSION TO DETERMINE, LIMITS — CONDITIONS OF OPERATOR LICENSE — BOATS, REQUIREMENTS — INELIGIBILITY FOR LICENSE — LOCAL OPTION, VOTER APPROVAL, BALLOT, PRIOR ELECTION, EFFECT OF — LICENSEES MAY BE DISCIPLINED, WHEN. — 1. (1) The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate [and] **or** dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

[(1)] **(a)** The recommended number of licensed excursion gambling boats operating in such city or county;

[(2)] **(b)** The recommended licensee or licensees operating in such city or county;

[(3)] **(c)** The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;

[(4)] **(d)** The city or county proposed sharing of revenue with any other municipality;

[(5)] **(e)** Any other information such city or county deems necessary; and

[(6)] **(f)** Any other information the commission may determine is necessary.

(2) The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

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5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and, **if applicable**, the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

- (1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;
- (2) The applicant is not the true owner of the enterprise proposed;
- (3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;
- (4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;
- (5) The applicant has knowingly made a false statement of a material fact to the commission; or
- (6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established the applicant's good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. Except as provided in section 313.817, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, other than a credit instrument, **[must]** shall be deposited within twenty-four hours. Except for any credit instrument, the commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. **(1)** Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition.

(2) The question shall be submitted in substantially the following form:

Shall the City (County) of _____ allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

YES

NO

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(3) If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by [himself] **such person** or [his] **such person's** agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

(3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;

(4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;

(5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;

(6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;

(7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;

(8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

542.525. SURVEILLANCE OR GAME CAMERAS ON PRIVATE PROPERTY, STATE AND LOCAL GOVERNMENT PROHIBITED FROM PLACING WITHOUT LANDOWNER CONSENT. — No employee of a state agency or a political subdivision of the state shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or the landowner's designee; a search warrant as required under Article I, Section 15 of the Constitution of Missouri or the fourth and fourteenth amendments of the Constitution of the United States; or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that permission of the highest ranking law enforcement chief or officer of the agency or political subdivision is valid only when the camera is facing a location that is open to public access or use and the camera is located within one hundred feet of the intended surveillance location.

549.500. DOCUMENTS OF BOARD OR DIVISION TO BE PRIVILEGED — EXCEPTIONS — INSPECTION. — All documents prepared or obtained in the discharge of official duties by any member or employee of the [board of probation and] parole **board or employee of the division of probation and parole** shall be privileged and shall not be disclosed directly or indirectly to anyone other than members of the **parole** board and other authorized employees of the department pursuant to section 217.075. The **parole** board may at its discretion permit the inspection of the report or parts thereof by the offender or his **or her** attorney or other persons having a proper interest therein.

557.045. INELIGIBILITY FOR PROBATION, SIS, SES, OR CONDITIONAL RELEASE, CERTAIN OFFENSES. — No person found guilty of, or pleading guilty to, the following offenses shall be eligible for probation, suspended imposition or execution of sentence, or conditional release, and shall be sentenced to a term of imprisonment pursuant to subdivision (1) of subsection 2 of section 557.011:

(1) Second degree murder when a person knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person, as defined in subdivision (1) of subsection 1 of section 565.021;

(2) Any dangerous felony, as the term is defined in section 556.061, where the person has been previously found guilty of a class A or B felony or a dangerous felony; [or]

(3) Any dangerous felony, as the term is defined in section 556.061, where the commission of the felony involves the use of a deadly weapon, as that term is defined in section 556.061; **or**

(4) **Any dangerous felony, as the term is defined in section 556.061, where the victim is a law enforcement officer, firefighter, or an emergency service provider while in the performance of his or her duties.**

557.051. PROGRAM FOR PERPETRATORS OF SEXUAL OFFENSES, PARTICIPATION REQUIRED, WHEN — RESTRICTIONS FOR PERSONS PROVIDING ASSESSMENTS AND REPORTS, PENALTY FOR VIOLATION, EXCEPTION. — 1. A person who has been found guilty of an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, and who is granted a

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suspended imposition or execution of sentence or placed under the supervision of the [board] **division** of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program under this section shall be required to follow all directives of the treatment program provider, and may be charged a reasonable fee to cover the costs of such program.

2. A person who provides assessment services or who makes a report, finding, or recommendation for any offender to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation following a finding of guilt for an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, shall not be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. A person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the [state board] **division** of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the [state board] **division** of probation and parole or any office thereof.

3. The provisions of subsection 2 of this section shall not apply when the department of corrections has identified only one qualified service provider within reasonably accessible distance from the offender or when the only providers available within a reasonable distance are related within the third degree of consanguinity or affinity to any person who has a financial interest in the service provider.

558.011. SENTENCE OF IMPRISONMENT, TERMS — CONDITIONAL RELEASE. — 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;

(3) For a class C felony, a term of years not less than three years and not to exceed ten years;

(4) For a class D felony, a term of years not to exceed seven years;

(5) For a class E felony, a term of years not to exceed four years;

(6) For a class A misdemeanor, a term not to exceed one year;

(7) For a class B misdemeanor, a term not to exceed six months;

(8) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

(a) One-third for terms of nine years or less;
(b) Three years for terms between nine and fifteen years;
(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the [board of probation and] parole **board** pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the [board of probation and] parole **board**, subject to conditions of release that the **parole** board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the [state board] **division** of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the **parole** board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the [board of probation and] parole **board**. The director of any division of the department of corrections except the [board] **division** of probation and parole may file with the [board of probation and] parole **board** a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the [board of probation and] parole **board** shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the **parole** board and for the **parole** board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a **parole** board decision has not been reached, the offender shall be released conditionally. The decision of the **parole** board shall be final.

558.026. CONCURRENT AND CONSECUTIVE TERMS OF IMPRISONMENT. — 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

(1) Rape in the first degree, forcible rape, or rape;
(2) Statutory rape in the first degree;
(3) Sodomy in the first degree, forcible sodomy, or sodomy;
(4) Statutory sodomy in the first degree; or
(5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently.

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his **or her** conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court

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shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his **or her** sentence within the department of corrections of the state of Missouri, except that a personal hearing before the [board of probation and] parole **board** shall not be required for parole consideration.

558.031. CALCULATION OF TERMS OF IMPRISONMENT — CREDIT FOR JAIL TIME AWAITING TRIAL. — 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced.

2. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after [the offense occurred] **conviction** and before the commencement of the sentence, when the time in custody was related to that offense, **and the circuit court may, when pronouncing sentence, award credit for time spent in prison, jail, or custody after the offense occurred and before conviction toward the service of the sentence of imprisonment**, except:

- (1) Such credit shall only be applied once when sentences are consecutive;
- (2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and
- (3) As provided in section 559.100.

[2.] 3. The officer required by law to deliver a person convicted of an offense in this state to the department of corrections shall endorse upon the papers required by section 217.305 both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer.

[3.] 4. If a person convicted of an offense escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred.

[4.] 5. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

[5.] 6. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the [board of probation and] parole **board** revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole.

7. **Subsection 2 of this section shall be applicable to offenses occurring on or after August 28, 2021.**

558.046. REDUCTION OF TERM OF SENTENCE, CONDITIONS. — The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the [state board of probation and] parole **board** if the court determines that:

- (1) The convicted person was:

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- (a) Convicted of an offense that did not involve violence or the threat of violence; and
- (b) Convicted of an offense that involved alcohol or illegal drugs; and
- (2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and
- (3) The convicted person is not:
 - (a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or
 - (b) A persistent sexual offender as defined in section 566.125; or
 - (c) A prior offender, a persistent offender or a class X offender as defined in section 558.019.

559.026. DETENTION CONDITION OF PROBATION. — Except in infraction cases, when probation is granted, the court, in addition to conditions imposed pursuant to section 559.021, may require as a condition of probation that the offender submit to a period of detention up to forty-eight hours after the determination by a probation or parole officer that the offender violated a condition of continued probation or parole in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate, or the [board] **division** of probation and parole shall direct. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, even though he **or she** was not convicted and sentenced to a jail or workhouse.

(1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of thirty days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558.

(2) In felony cases, the period of detention under this section shall not exceed one hundred twenty days.

(3) If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, half-way house, honor center, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.

559.105. RESTITUTION MAY BE ORDERED, WHEN — LIMITATION ON RELEASE FROM PROBATION — AMOUNT OF RESTITUTION. — 1. Any person who has been found guilty of or has pled guilty to an offense may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to a victim's reasonable expenses to participate in the prosecution of the crime.

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole shall be required, as a condition of parole, to make restitution pursuant to this section. The [board of probation and] parole **board** shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.

559.106. LIFETIME SUPERVISION OF CERTAIN SEXUAL OFFENDERS — ELECTRONIC MONITORING — TERMINATION AT AGE SIXTY-FIVE PERMITTED, WHEN. — 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, [566.212, 566.213] **566.210, 566.211**, 568.020, [568.080, or 568.090] **573.200, or 573.205**, based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years of age and the offender is a prior sex offender as defined in subsection 2 of this section;

the court shall order that the offender be supervised by the [board] **division** of probation and parole for the duration of his or her natural life.

2. For the purpose of this section, a prior sex offender is a person who has previously been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — PROBATION GRANTED AFTER DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — ONE HUNDRED TWENTY DAY PROGRAM — NOTIFICATION TO STATE, WHEN, HEARING — NO PROBATION IN CERTAIN CASES. — 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the shock incarceration program or institutional treatment program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the [board] **division** of probation and parole shall advise the sentencing court of an offender's probationary release date thirty

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days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal. The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C, class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 566.125, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section 566.125; or any offense in which there exists a statutory prohibition against either probation or parole.

559.125. RECORD OF APPLICATIONS FOR PROBATION OR PAROLE TO BE KEPT — INFORMATION TO BE PRIVILEGED — EXCEPTIONS. — 1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested,

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probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the [state board] **division of probation and parole**, a copy of the order shall be sent to the [board] **division of probation and parole**. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that **parole** board.

2. Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, **the division of probation and parole**, or the **parole** board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

559.600. MISDEMEANOR PROBATION MAY BE PROVIDED BY CONTRACT WITH PRIVATE ENTITIES, NOT TO EXCLUDE BOARD OF PROBATION AND PAROLE — DRUG TESTING — TRAVEL LIMITS. — 1. In cases where the [board of probation and parole] **division of probation and parole** is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the [board] **division of probation and parole**, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

2. In all cases, the entity providing such private probation service shall utilize the cutoff concentrations utilized by the department of corrections with regard to drug and alcohol screening for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff concentration or negative if no drug is detected or if drug presence is below the cutoff concentration.

3. In all cases, the entity providing such private probation service shall not require the clients assigned to such entity to travel in excess of fifty miles in order to attend their regular probation meetings.

559.602. PRIVATE ENTITIES TO MAKE APPLICATION TO CIRCUIT COURT TO PROVIDE MISDEMEANOR PROBATION — CONTRACT CONTENT — PROCEDURE — WITHDRAWAL OF BOARD, WHEN. — A private entity seeking to provide probation supervision and rehabilitation services to misdemeanor offenders shall make timely written application to the judges in a circuit. When approved by the judges of a circuit, the application, the judicial order of approval and the contract shall be forwarded to the [board] **division of probation and parole**. The contract shall contain the responsibilities of the private entity, including the offenses for which persons will be supervised. The [board] **division** may then withdraw supervision of misdemeanor offenders which are to be supervised by the court-approved private entity in that circuit.

559.607. MUNICIPAL ORDINANCE VIOLATIONS, PROBATION MAY BE CONTRACTED FOR BY MUNICIPAL COURTS, PROCEDURE — COST TO BE PAID BY OFFENDERS, EXCEPTIONS. — 1. Judges of the municipal division in any circuit, acting through a chief or presiding judge, either may contract with a private or public entity or may employ any qualified person to serve as the city's probation officer to provide probation and rehabilitation services for persons placed on probation for violation of any ordinance of the city, specifically including the offense of operating or being in physical control of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any part of the cost of probation and rehabilitation services authorized under sections 559.600 to 559.615. Persons found guilty or pleading guilty to ordinance violations and placed on probation by municipal or city court judges shall contribute a service fee to the court in the amount set forth in section 559.604 to pay the cost of their probation supervision provided by a probation officer employed by the court or by a contract probation officer as provided for in section 559.604.

2. When approved by municipal court judges in the municipal division, the application, judicial order of approval, and the contract shall be forwarded to and filed with the [board] **division** of probation and parole. The court-approved private or public entity or probation officer employed by the court shall then function as the probation office for the city, pursuant to the terms of the contract or conditions of employment and the terms of probation ordered by the judge. Any city in this state which presently does not have probation services available for persons convicted of its ordinance violations, or that contracts out those services with a private entity, may, under the procedures authorized in sections 559.600 to 559.615, contract with and continue to contract with a private entity or employ any qualified person and contract with the municipal division to provide such probation supervision and rehabilitation services.

565.058. SPECIAL VICTIMS — CONFIDENTIALITY OF ADDRESS OR PLACE OF RESIDENCE — USE OF INITIALS IN PETITION. — 1. Any special victim as defined under section 565.002 shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

2. Any special victim as defined under section 565.002 may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.

566.145. SEXUAL CONDUCT IN THE COURSE OF PUBLIC DUTY, OFFENSE OF — DEFINITIONS — VIOLATION, PENALTY — CONSENT NOT A DEFENSE. — 1. A person commits the offense of sexual conduct in the course of public duty if the person engages in sexual conduct:

(1) With a **detainee, a prisoner, or an offender** [if he or she] **and the person:**

[(1)] (a) Is an employee of, or assigned to work in, any jail, prison or correctional facility and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or correctional facility; [or

(2)] (b) Is a probation and parole officer and engages in sexual conduct with an offender who is under the direct supervision of the officer; or

(c) **Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner who is in the custody of such officer; or**

(2) **With someone who is not a detainee, a prisoner, or an offender and the person is:**

(a) **A probation and parole officer, a police officer, or an employee of, or assigned to work in, any jail, prison, or correctional facility;**

(b) **On duty; and**

(c) **The offense was committed by means of coercion as defined in section 566.200.**

2. For the purposes of this section the following terms shall mean:

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(1) **"Detainee", a person deprived of liberty and kept under involuntary restraint, confinement, or custody;**

(2) "Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the [state board] **division** of probation and parole;

~~[(2)]~~ (3) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.

3. The offense of sexual conduct [with a prisoner or offender] **in the course of public duty** is a class E felony.

4. Consent of a **detainee, a prisoner [or], an offender, or any other person** is not a defense.

571.030. UNLAWFUL USE OF WEAPONS, OFFENSE OF — EXCEPTIONS — VIOLATION, PENALTIES. — 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who

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Matter in bold-face type is proposed language.

possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the [board of probation and] parole **board**;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed

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carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. A person who commits the crime of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

(3) Subdivision (5) for (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

574.085. INSTITUTIONAL VANDALISM, OFFENSE OF — VIOLATION, PENALTY. — 1. A person commits the offense of institutional vandalism if he or she knowingly vandalizes, defaces, or otherwise damages:

(1) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

(2) Any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead;

(3) Any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group;

(4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection;

(5) Any personal property contained in any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection; [or]

(6) Any motor vehicle which is owned, operated, leased or under contract by a school district or a private school for the transportation of school children; **or**

(7) Any public monument or structure on public property owned or operated by a public entity.

2. The offense of institutional vandalism is a class A misdemeanor, unless the value of the property damage is seven hundred fifty dollars or more, in which case the offense is a class E felony; or the value of the property damage is more than five thousand dollars, in which case the offense is a class D felony.

3. In determining the amount of damage to property, for purposes of this section, damage includes the cost of repair or, where necessary, replacement of the property that was damaged.

574.203. INTERFERENCE WITH A HEALTH CARE FACILITY, OFFENSE OF — WORKPLACE VIOLENCE, HOSPITAL DUTIES — VIOLATION, PENALTY. — 1. Except as otherwise protected by state or federal law, a person, excluding any person who is developmentally disabled as defined in section 630.005, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by:

- (1) Causing a peace disturbance while inside a health care facility;
- (2) Refusing an order to vacate a health care facility when requested to by any employee of the health care facility;
- (3) Threatening to inflict injury on the patients or employees, or damage to the property of a health care facility.

2. Hospital policies shall address incidents of workplace violence against employees, including protecting an employee from retaliation when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a violent incident occurs.

3. The offense of interference with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

4. As used in this section, "health care facility" means a hospital that provides health care services directly to patients.

574.204. INTERFERENCE WITH AN AMBULANCE SERVICE, OFFENSE OF — VIOLATION, PENALTY — DEFINITION. — 1. Except as otherwise protected by state or federal law, a person commits the offense of interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully or recklessly disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance.

2. The offense of interference with an ambulance service is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

3. As used in this section, "ambulance service" means a person or entity that provides emergency or nonemergency ambulance transportation and services, or both.

575.205. TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT, OFFENSE OF — VIOLATION, PENALTY. — 1. A person commits the offense of tampering with electronic monitoring equipment if he or she intentionally removes, alters, tampers with, damages, or destroys electronic monitoring equipment which a court, **the division of probation and parole** or the [board of probation and] parole **board** has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The offense of tampering with electronic monitoring equipment is a class D felony.

575.206. VIOLATING A CONDITION OF LIFETIME SUPERVISION, OFFENSE OF — VIOLATION, PENALTY. — 1. A person commits the offense of violating a condition of lifetime supervision if he or she knowingly violates a condition of probation, parole, or conditional release when such condition was imposed by an order of a court under section 559.106 or an order of the [board of probation and] parole **board** under section 217.735.

2. The offense of violating a condition of lifetime supervision is a class D felony.

589.042. ACCESS TO PERSONAL HOME COMPUTER, AUTHORITY TO REQUIRE REGISTERED SEXUAL OFFENDERS TO PROVIDE AS CONDITION OF PROBATION. — The court or the [board of probation and] parole **board** shall have the authority to require a person who is required to register as a sexual offender under sections 589.400 to 589.425 to give his or her assigned probation or parole officer access to his or her personal home computer as a condition of probation or parole in order to monitor and prevent such offender from obtaining and keeping child pornography or from committing an offense under chapter 566. Such access shall allow the probation or parole officer to view the internet use history, computer hardware, and computer software of any computer, including a laptop computer, that the offender owns.

590.030. BASIC TRAINING, MINIMUM STANDARDS ESTABLISHED — AGE, CITIZENSHIP AND EDUCATION REQUIREMENTS ESTABLISHED BY DIRECTOR — ISSUANCE OF A LICENSE — FEDERAL RAP BACK PROGRAM, AGENCIES TO ENROLL. — 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. Such general education requirements shall require completion of a high school program of education under chapter 167 or obtainment of a General Educational Development (GED) certificate.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

(1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; [and]

(2) Maintain a current address of record on file with the director; **and**

(3) Submit to being fingerprinted on or before January 1, 2022, and at any time a peace officer is commissioned with a different law enforcement agency, for the purposes of a criminal history background check and enrollment in the state and federal Rap Back programs, pursuant to section 43.540. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the officer's commissioning law enforcement agency at the time of enrollment and Rap Back enrollment shall be for the purpose of the requirements of subsection 3 of section 590.070 and subsection 2 of section 590.118. An officer shall take all necessary steps to maintain enrollment in Rap Back for as long as the officer is commissioned with a law enforcement agency.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.

7. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022, and continue to remain enrolled. The law enforcement agency shall take all necessary steps to maintain officer enrollment for all officers commissioned with that agency in the Rap Back programs. An officer shall submit to being fingerprinted at any law enforcement agency upon commissioning and for as long as the officer is commissioned with that agency.

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590.192. CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM, PURPOSE — SERVICES TO BE PROVIDED — REQUIREMENTS — CONFIDENTIALITY OF INFORMATION — FUND CREATED, USE OF MONEYS. — 1. There is hereby created in the state treasury the "988 Public Safety Fund", which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

590.502. ADMINISTRATIVE INVESTIGATION OR QUESTIONING OF LAW ENFORCEMENT OFFICER — DEFINITIONS — CONDUCT OF INVESTIGATION OR QUESTIONING, REQUIREMENTS — SUSPENSION, DUE PROCESS RIGHTS, PROCEDURE — VIOLATION REMEDY. — 1. For purposes of this section, the following shall mean:

(1) "Administering authority", any individual or body authorized by a law enforcement agency to hear and make final decisions regarding appeals of disciplinary actions issued by such agency;

(2) "Color of law", any act by a law enforcement officer, whether on duty or off duty, that is performed in furtherance of his or her sworn duty to enforce laws and to protect and serve the public;

(3) "Economic loss", any economic loss including, but not limited to, loss of overtime accrual, overtime income, sick time accrual, sick time, secondary employment income, holiday pay, and vacation pay;

(4) "Good cause", sufficient evidence or facts that would support a party's request for extensions of time or any other requests seeking accommodations outside the scope of the rules set out herein;

(5) "Law enforcement officer", any commissioned peace officer with the power to arrest for a violation of the criminal code who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or is employed by the board of police commissioners as defined in chapter 84. "Law enforcement officer" shall not include any officer who is the highest ranking officer in the law enforcement agency.

2. Whenever a law enforcement officer is under administrative investigation or is subjected to administrative questioning that the officer reasonably believes could lead to disciplinary action, demotion, dismissal, transfer, or placement on a status that could lead to economic loss, the investigation or questioning shall be conducted under the following conditions:

(1) The law enforcement officer who is the subject of the investigation shall be informed, in writing, of the existence and nature of the alleged violation and the individuals who will be conducting the investigation. Notice shall be provided to the officer along with a copy of the complaint at least twenty-four hours prior to any interrogation or interview of the officer;

(2) Any person, including members of the same agency or department as the officer under investigation, filing a complaint against a law enforcement officer shall have the complaint supported by a written statement outlining the complaint that includes the personal identifying

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information of the person filing the complaint. All personal identifying information shall be held confidential by the investigating agency;

(3) When a law enforcement officer is questioned or interviewed regarding matters pertaining to his or her law enforcement duties or actions taken within the scope of his or her employment, such questioning shall be conducted for a reasonable length of time and only while the officer is on duty unless reasonable circumstances exist that necessitate questioning the officer while he or she is off duty;

(4) Any interviews or questioning shall be conducted at a secure location at the agency that is conducting the investigation or at the place where the officer reports to work, unless the officer consents to another location;

(5) Law enforcement officers shall be questioned by up to two investigators and shall be informed of the name, rank, and command of the investigator or investigators conducting the investigation; except that, separate investigators shall be assigned to investigate alleged department policy violations and alleged criminal violations;

(6) Interview sessions shall be for a reasonable period of time. There shall be times provided for the officer to allow for such personal necessities and rest periods as are reasonably necessary;

(7) Prior to an interview session, the investigator or investigators conducting the investigation shall advise the law enforcement officer of the rule set out in *Garrity v. New Jersey*, 385 U.S. 493 (1967), specifically that the law enforcement officer is being ordered to answer questions under threat of disciplinary action and that the officer's answers to the questions will not be used against the officer in criminal proceedings;

(8) Law enforcement officers shall not be threatened, harassed, or promised rewards to induce them into answering any question; except that, law enforcement officers may be compelled by their employer to give protected Garrity statements to an investigator under the direct control of the employer, but such compelled statements shall not be used or derivatively used against the officer in any aspect of a criminal case brought against the officer;

(9) Law enforcement officers under investigation are entitled to have an attorney or any duly authorized representative present during any questioning that the law enforcement officer reasonably believes may result in disciplinary action. The attorney or representative shall be permitted to confer with the officer but shall not unduly disrupt or interfere with the interview. The questioning shall be suspended for a period of up to twenty-four hours if the officer requests representation;

(10) Prior to the law enforcement officer being interviewed, the officer and his or her attorney or representative shall have the opportunity to review the complaint;

(11) The law enforcement agency conducting the investigation shall have ninety days from receipt of a citizen complaint to complete such investigation. The agency shall determine the disposition of the complaint and render a disciplinary decision, if any, within ninety days. The agency may, for good cause, petition the administering authority overseeing the administration of discipline for an extension of time to complete the investigation. If the administering authority finds the agency has shown good cause for the granting of an extension of time to complete the investigation, the administering authority shall grant an extension of up to sixty days. The agency is limited to two extensions per investigation; except that, if there is an ongoing criminal investigation there shall be no limitation on the amount of sixty-day extensions. For good cause shown, the internal investigation may be tolled until the conclusion of a concurrent criminal investigation arising out of the same alleged conduct. Absent consent from the officer being investigated, the administering authority overseeing the administration of discipline shall set the matter for hearing and shall provide notice of the hearing to the law enforcement officer under investigation. The officer shall have the right to attend the hearing and to present evidence and arguments against extension;

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(12) Within five days of the conclusion of the administrative investigation, the investigator shall inform the officer, in writing, of the investigative findings and any recommendation for further action, including discipline;

(13) A complete record of the administrative investigation shall be kept by the law enforcement agency conducting such investigation. Upon completion of the investigation, a copy of the entire record, including, but not limited to, audio, video, and transcribed statements, shall be provided to the officer or the officer's representative within five business days of the officer's written request. The agency may request a protective order to redact all personal identifying witness information; and

(14) All records compiled as a result of any investigation subject to the provisions of this section shall be held confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order, by release approved by the officer, or as provided in section 590.070.

3. Law enforcement officers who are suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss shall be entitled to a full due process hearing. However, nothing in this section shall prohibit a law enforcement agency and the authorized bargaining representative for a law enforcement officer employed by that agency from reaching written agreements providing disciplinary procedures more favorable than those provided for this section. The components of the hearing shall include, at a minimum:

(1) The right to be represented by an attorney or other individual of their choice during the hearing;

(2) Seven days' notice of the hearing date and time;

(3) An opportunity to access and review documents, at least seven days in advance of the hearing, that are in the employer's possession and that were used as a basis for the disciplinary action;

(4) The right to refuse to testify at the hearing if the officer is concurrently facing criminal charges in connection with the same incident. A law enforcement officer's decision not to testify shall not result in additional internal charges or discipline;

(5) A complete record of the hearing shall be kept by the agency for purposes of appeal. The record shall be provided to the officer or his or her attorney upon written request;

(6) The entire record of the hearing shall remain confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order.

4. Any decision, order, or action taken following the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A copy of the decision or order accompanying findings and conclusions along with the written action and right of appeal, if any, shall be delivered or mailed promptly to the law enforcement officer or to the officer's attorney or representative of record.

5. Law enforcement officers shall have the opportunity to provide a written response to any adverse materials placed in their personnel file, and such written response shall be permanently attached to the adverse material.

6. Law enforcement officers shall have the right to compensation for any economic loss incurred during an investigation if the officer is found to have committed no misconduct.

7. Employers shall defend and indemnify law enforcement officers from and against civil claims made against them in their official and individual capacities if the alleged conduct arose in the course and scope of their obligations and duties as law enforcement officers. This includes any actions taken off duty if such actions were taken under color of law. In the event the law enforcement officer is convicted of, or pleads guilty to, criminal charges arising out of the same conduct, the employer shall no longer be obligated to defend and indemnify the officer in connection with related civil claims.

8. Law enforcement officers shall not be disciplined, demoted, dismissed, transferred, or placed on a status resulting in economic loss as a result of the assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrong-doing, in which case the provisions of this section shall not apply.

9. Any aggrieved law enforcement officer or authorized representative may seek judicial enforcement of the requirements of this section. Suits to enforce this section shall be brought in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business.

10. Upon a finding by a preponderance of the evidence that a law enforcement agency, governmental body, or member of same has violated any provision of this section, a court shall void any action taken in violation of this section. The court may also award the law enforcement officer the costs of bringing the suit including, but not limited to, attorneys' fees. A lawsuit for enforcement shall be brought within one year from which the violation is ascertainable.

11. Nothing in this section shall apply to any investigation or other action by the director regarding a license issued by the director under this chapter.

12. A law enforcement agency that has substantially similar or greater procedures shall be deemed in compliance with this section.

590.1265. CITATION OF LAW — DEFINITIONS — USE-OF FOR INCIDENTS REPORTING, STANDARDS AND PROCEDURES — PUBLICATION OF REPORT DATA — ANALYSIS REPORT. — 1. The provisions of this section shall be known and may be cited as the "Police Use of Force Transparency Act of 2021".

2. For purposes of this section, the following terms mean:

(1) "Law enforcement agency", the same meaning as defined in section 590.1040;

(2) "Peace officer", the same meaning as defined in section 590.010;

(3) "Use-of-force incident", an incident in which:

(a) A fatality occurs that is connected to a use-of-force by a peace officer;

(b) Serious bodily injury occurs that is connected to a use-of-force by a peace officer; or

(c) In the absence of death or serious bodily injury, a peace officer discharges a firearm at, or in the direction of, a person.

3. Each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation.

4. Each law enforcement agency shall additionally report the data submitted under subsection 3 of this section to the department of public safety. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports.

5. The department of public safety shall, no later than June 30, 2022, develop standards and procedures governing the collection and reporting of use-of-force data under this section. The standards and procedures shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the Federal Bureau of Investigation.

6. The department of public safety shall publish the data reported by law enforcement agencies under subsection 4 of this section, including statewide aggregate data and agency-specific data, in a publicly available report. Such data shall be deemed a public record consistent with the provisions and exemptions contained in chapter 610.

7. The department of public safety shall undertake an analysis of any trends and disparities in rates of use-of-force by all law enforcement agencies, with a report to be released to the public no later than January 1, 2025. The report shall be updated periodically thereafter, but not less than once every five years.

610.140. EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS, PETITION, CONTENTS, PROCEDURE — EFFECT OF EXPUNGEMENT ON EMPLOYER INQUIRY — LIFETIME LIMITS. — 1.

Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061;
- (3) Any offense that requires registration as a sex offender;
- (4) Any felony offense where death is an element of the offense;
- (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
- (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090, 570.180, 570.223, 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
- (7) Any offense eligible for expungement under section 577.054 or 610.130;
- (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;
- (9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section;
- (10) Any violation of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; and
- (11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

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

- (1) The petitioner's:
 - (a) Full name;
 - (b) Sex;
 - (c) Race;
 - (d) Driver's license number, if applicable; and
 - (e) Current address;
- (2) Each offense, violation, or infraction for which the petitioner is requesting expungement;
- (3) The approximate date the petitioner was charged for each offense, violation, or infraction; and
- (4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and
- (5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

- (1) At the time the petition is filed, it has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;
- (2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;
- (3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;
- (4) The person does not have charges pending;
- (5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and
- (6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. **For purposes of 18 U.S.C. 921(a)(3)(B)(ii), an order or expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction.** Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

- (1) A license, certificate, or permit issued by this state to practice such individual's profession;
- (2) Any license issued under chapter 313 or permit issued under chapter 571;
- (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;
- (4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;
- (5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or
- (6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

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Matter in bold-face type is proposed language.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

- (1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and
- (2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

650.055. BIOLOGICAL SAMPLES COLLECTED, CERTAIN FELONY OFFENSES, WHEN — USE OF SAMPLE — HIGHWAY PATROL AND DEPARTMENT OF CORRECTIONS, DUTY — DNA RECORDS AND BIOLOGICAL MATERIALS TO BE CLOSED RECORD, DISCLOSURE, WHEN — EXPUNGEMENT OF RECORD, WHEN. — 1. Every individual who:

- (1) Is found guilty of a felony or any offense under chapter 566; or
- (2) Is seventeen years of age or older and arrested for burglary in the first degree under section 569.160, or burglary in the second degree under section 569.170, or a felony offense under chapter 565, 566, 567, 568, or 573; or
- (3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513; or
- (4) Is an individual required to register as a sexual offender under sections 589.400 to 589.425;

shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis.

2. Any individual subject to DNA collection and profiling analysis under this section shall provide a DNA sample:

- (1) Upon booking at a county jail or detention facility; or

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(2) Upon entering or before release from the department of corrections reception and diagnostic centers; or

(3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by a private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was found guilty of a felony offense in any other jurisdiction; or

(5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, and on parole, as also defined in section 217.650; or

(6) At the time of registering as a sex offender under sections 589.400 to 589.425.

3. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The [board] **division** of probation [or] **and** parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

4. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

5. Unauthorized use or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

6. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

7. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their employees who need to obtain such records to perform their public duties;

(4) The individual whose DNA sample has been collected, or his or her attorney; or

(5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.

8. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial,

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hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

9. (1) An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal, or through the court granting an expungement of all official records under section 568.040. A certified copy of the court order establishing that such conviction has been reversed, guilty plea has been set aside, or expungement has been granted under section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

(2) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on the grounds that the conviction has been reversed, the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, or an expungement of all official records has been granted by the court under section 568.040.

(3) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction, setting aside the plea, or granting an expungement of all official records under section 568.040, and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

(4) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

(5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

10. When a DNA sample is taken from an individual pursuant to subdivision (2) of subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory within ninety days of receiving such notification. Within thirty days of being notified by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained. If the individual has no other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample of such person.

11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:

(1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;

(2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;

(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;

(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.

If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.

650.058. INDIVIDUALS WHO ARE ACTUALLY INNOCENT MAY RECEIVE RESTITUTION, AMOUNT, PETITION, DEFINITION, LIMITATIONS AND REQUIREMENTS — GUILT CONFIRMED BY DNA TESTING, PROCEDURES — PETITIONS FOR RESTITUTION — ORDER OF EXPUNGEMENT.

— 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of one hundred dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;
- (3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the [board of probation and] parole **board** in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court's or the [board of probation and parole's] **parole board's** sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that their probation or parole was revoked in connection with the crime for which the person has been exonerated; and
- (4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

650.335. LOANS AND FINANCIAL ASSISTANCE FROM PREPAID WIRELESS EMERGENCY TELEPHONE CHARGES — APPLICATION, PROCEDURE, REQUIREMENTS. — 1. (1) Any county or any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants, when the prepaid wireless emergency telephone service charge is collected in the county or city, may submit an application for loan funds or other financial assistance to the board for the purpose of financing all or a portion of the costs incurred in implementing a 911 communications service project. **If a county has an elected emergency services board, the elected emergency service board shall be eligible for loan funds or other financial assistance under this section.**

(2) The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the board.

(3) This section shall not preclude any applicant or borrower from joining in a cooperative project with any other political subdivision or with any state or federal agency or entity in a 911 communications service project, provided that all other requirements of this section have been met.

2. Applications may be approved for loans only in those instances where the applicant has furnished the board information satisfactory to assure that the project cost will be recovered during the repayment period of the loan. In no case shall a loan be made to an applicant unless the approval of the governing body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable. Repayment periods are to be determined by the board.

3. The board shall approve or disapprove all applications for loans which are sent by certified or registered mail or hand delivered and received by the board upon a schedule as determined by the board.

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4. Each applicant to whom a loan has been made under this section shall repay such loan, with interest. The rate of interest shall be the rate required by the board. The number, amounts, and timing of the payments shall be as determined by the board.

5. Any applicant who receives a loan under this section shall annually budget an amount which is at least sufficient to make the payments required under this section.

6. Repayment of principal and interest on loans shall be credited to the Missouri 911 service trust fund established under section 190.420.

7. If a loan recipient fails to remit a payment to the board in accordance with this section within sixty days of the due date of such payment, the board shall notify the director of the department of revenue to deduct such payment amount from first, the prepaid wireless emergency telephone service charge remitted to the county or city under section 190.460; and if insufficient to affect repayment of the loan, next, the regular apportionment of local sales tax distributions to that county or city. Such amount shall then immediately be deposited in the Missouri 911 service trust fund and credited to the loan recipient.

8. All applicants having received loans under this section shall remit the payments required by subsection 4 of this section to the board or such other entity as may be directed by the board. The board or such other entity shall immediately deposit such payments in the Missouri 911 service trust fund.

9. Loans made under this section shall be used only for the purposes specified in an approved application or loan agreement. In the event the board determines that loan funds have been expended for purposes other than those specified in an approved application or loan agreement or any event of default of the loan agreement occurs without resolution, the board shall take appropriate actions to obtain the return of the full amount of the loan and all moneys duly owed or other available remedies.

10. Upon failure of a borrower to remit repayment to the board within sixty days of the date a payment is due, the board may initiate collection or other appropriate action through the provisions outlined in subsection 7 of this section, if applicable.

11. If the borrower is an entity not covered under the collection procedures established in this section, the board, with the advice and consent of the attorney general, may initiate collection procedures or other appropriate action pursuant to applicable law.

12. The board may, at its discretion, audit the expenditure of any loan, grant, or expenditure made or the computation of any payments made.

13. The board shall not approve any application made under this section if the applicant has failed to return the board's annual survey of public safety answering points as required by the board under section 650.330.

[217.660. CHAIRMAN OF THE BOARD TO BE DIRECTOR — ADDITIONAL COMPENSATION.

— 1. The chairman of the board of probation and parole shall be the director of the division.

2. In addition to the compensation as a member of the board, any chairman whose term of office began before August 28, 1999, shall receive three thousand eight hundred seventy-five dollars per year for duties as chairman.]

SECTION B. EFFECTIVE DATE FOR CERTAIN SECTIONS. — The repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of this act and the enactment of section 281.048 of this act shall become effective on January 1, 2024.

Approved July 14, 2021

SB 36

Enacts provisions relating to historic buildings.

AN ACT to amend chapter 620, RSMo, by adding thereto one new section relating to historic buildings.

SECTION

A Enacting clause.

620.3210 Citation of law — definitions — fund created, use of moneys — tax credit for donations, amount, procedure, cap — rulemaking authority — sunset provision.

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

SECTION A. ENACTING CLAUSE. — Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.3210, to read as follows:

620.3210. CITATION OF LAW — DEFINITIONS — FUND CREATED, USE OF MONEYS — TAX CREDIT FOR DONATIONS, AMOUNT, PROCEDURE, CAP — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. This section shall be known and may be cited as the "Capitol Complex Tax Credit Act".

2. As used in this section, the following terms shall mean:

- (1) "Board", the Missouri development finance board, a body corporate and politic created under sections 100.250 to 100.297 and 100.700 to 100.850;
- (2) "Capitol complex", the following buildings located in Jefferson City, Missouri:
 - (a) State capitol building, 201 West Capitol Avenue;
 - (b) Supreme court building, 207 West High Street;
 - (c) Old Federal Courthouse, 131 West High Street;
 - (d) Highway building, 105 Capitol Avenue;
 - (e) Governor's mansion, 100 Madison Street;
- (3) "Certificate", a tax credit certificate issued under this section;
- (4) "Department", the Missouri department of economic development;
- (5) "Eligible artifact", any items of personal property specifically for display in a building in the capitol complex or former fixtures which were previously owned by the state and used within the capitol complex, but which had been removed. The board of public buildings shall, in their sole discretion, make all determinations as to which items are eligible artifacts and may employ such experts as may be useful to them in making such a determination;
- (6) "Eligible artifact donation", a donation of an eligible artifact to the board of public buildings. The value of such donation shall be set by the board of public buildings who may employ such experts as may be useful to them in making such a determination. The board of public buildings shall, in their sole discretion, determine if an artifact is to be accepted;
- (7) "Eligible monetary donation", donations received from a qualified donor to the capitol complex fund, created in this section, or to an organization exempt from taxation under 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, whose mission and purpose is to restore, renovate, improve, and maintain one or more buildings in the capitol complex, that are to be used solely for projects to restore, renovate, improve, and maintain buildings and their furnishings in the capitol complex and the administration thereof. Eligible donations may include:

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(a) Cash, including checks, money orders, credit card payments, or similar cash equivalents valued at the face value of the currency. Currency of other nations shall be valued based on the exchange rate on the date of the gift. The date of the donation shall be the date that cash or check is received by the applicant or the date posted to the donor's account in the case of credit or debit cards;

(b) Stocks from a publicly traded company;

(c) Bonds which are publicly traded;

(8) "Eligible recipient", the capitol complex fund, created in this section, or an organization exempt from taxation under 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, whose mission and purpose is to restore, renovate, improve, and maintain one or more buildings in the capitol complex;

(9) "Qualified donor", any of the following individuals or entities who make an eligible monetary donation or eligible artifact donation to the capitol complex fund or other eligible recipient:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed in chapter 143;

(f) Any charitable organization, including any foundation or not-for-profit corporation, which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

3. There is hereby created a fund to be known as the "Capitol Complex Fund", separate and distinct from all other board funds, which is hereby authorized to receive any eligible monetary donation as provided in this section. The capitol complex fund shall be segregated into two accounts: a rehabilitation and renovation account and a maintenance account. Ninety percent of the revenues received from eligible donations pursuant to the provisions of this section shall be deposited in the rehabilitation and renovation account and seven and one-half percent of such revenues shall be deposited in the maintenance account. The assets of these accounts, together with any interest which may accrue thereon, shall be used by the board solely for the purposes of restoration and maintenance of the building of the capitol complex as defined in this section, and for no other purpose. The remaining two and one-half percent of the revenues deposited into the fund may be used for the purposes of soliciting donations to the fund, advertising and promoting the fund, and administrative costs of administering the fund. Any amounts not used for those purposes shall be deposited back into the rehabilitation and renovation account and the maintenance account divided in the manner set forth in this section. The board may, as an administrative cost, use the funds to hire fund raising professionals and such other experts or advisors as may be necessary to carry out the board's duties under this section. The choice of projects for which the money is to be used, as well as the determination of the methods of carrying out the project and the procurement of goods and services thereon shall be made by the commissioner of administration. No moneys shall be released from the fund for any expense without the approval of the commissioner of administration, who may delegate that authority as deemed appropriate. All contracts for rehabilitation, renovation, or maintenance work shall be the responsibility of the commissioner of administration. A memorandum of understanding may be executed between the commissioner of administration and the board determining the processes for obligation, reservation, and payment of eligible costs from the fund. The commission of administration shall not obligate costs in excess of the fund balance. The board

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shall not be responsible for any costs obligated in excess of available funds and shall be held harmless in any contracts related to rehabilitation, renovation, and maintenance of capitol complex buildings. No other board funds shall be used to pay obligations made by the commissioner of administration related to activities under this section.

4. For all taxable years beginning on or after January 1, 2021, any qualified donor shall be allowed a credit against the taxes otherwise due under chapters 143 and 148, except for sections 143.191 to 143.265, in an amount of fifty percent of the eligible monetary donation. The amount of the tax credit claimed may exceed the amount of the donor's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that exceeds the qualified donor's state income tax liability may be refundable or may be carried forward to any of the taxpayer's four subsequent taxable years.

5. For all taxable years beginning on or after January 1, 2021, any qualified donor shall be allowed a credit against the taxes otherwise due under chapters 143 and 148, except for sections 143.191 to 143.265, in an amount of thirty percent of the eligible artifact donation. The amount of the tax credit claimed may not exceed the amount of the qualified donor's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that exceeds the qualified donor's state income tax liability shall not be refundable but may be carried forward to any other taxpayer's four subsequent taxable years.

6. To claim a credit for an eligible monetary donation as set forth in subsection 4 of this section, a qualified donor shall make an eligible monetary donation to the board as custodian of the capitol complex fund or other eligible recipient. Upon receipt of such donation, the board or other eligible recipient shall issue to the qualified donor a statement evidencing receipt of such donation, including the value of such donation, with a copy to the department. Upon receipt of the statement from the eligible recipient, the department shall issue a tax credit certificate equal to fifty percent of the amount of the donation, to the qualified donor, as indicated in the statement from the eligible recipient.

7. To claim a credit for an eligible artifact donation as set forth in subsection 5 of this section, a qualified donor shall donate an eligible artifact to the board of public buildings. If the board of public buildings determines that artifact is an eligible artifact, and has determined to accept the artifact, it shall issue a statement of donation to the eligible donor specifying the value placed on the artifact by the board of public buildings, with a copy to the department. Upon receiving a statement from the board of public buildings, the department shall issue a tax credit certificate equal to thirty percent of the amount of the donation, to the qualified donor as indicated in the statement from the board of public buildings.

8. The department shall not authorize more than ten million dollars in tax credits provided under this section in any calendar year. Donations shall be processed for tax credits on a first come, first serve basis. Donations received in excess of the tax credit cap shall be placed in line for tax credits issued the following year or shall be given the opportunity to complete their donation without the expectation of a tax credit, or shall request to have their donation returned.

9. Tax credits issued under the provisions of this section shall not be subject to the payment of any fee required under the provisions of section 620.1900.

10. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

11. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to

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all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

12. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after August 28, 2021, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after August 28, 2021; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Approved June 29, 2021

HCS SS SB 44

Enacts provisions relating to utilities.

AN ACT to repeal sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.358, 394.020, 394.120, and 394.315, RSMo, and to enact in lieu thereof sixteen new sections relating to utilities.

SECTION

- A Enacting clause.
- 67.309 Utility services, political subdivisions barred from prohibiting based on type or source of energy.
- 91.025 Definitions — continuation of existing electrical service — change of supplier — commission jurisdiction — new structure built, effect of.
- 153.030 Bridge and public utility companies, how taxed — annual report — microwave relay stations, apportionment — telephone company, one-time election on assessment, effect of — wind energy project property, how taxed — certain generation project property, how taxed.
- 153.034 Electric companies, distributable and local property, definitions — wind energy projects property, how taxed — generation projects property, how taxed.
- 204.569 Board of trustees, powers in unincorporated sewer subdistrict — additional powers.
- 386.370 Estimate of expenses — assessments against utilities — public service commission fund — statement on gross intrastate operating revenues.
- 386.800 Municipally owned electrical supplier, services outside boundaries prohibited, exceptions — annexation — negotiations, territorial agreements, regulations, procedure — fair and reasonable compensation defined — assignment of sole service territories — commission jurisdiction — rural electric cooperatives, service within municipality, when.
- 393.106 Definitions — electric power suppliers exclusive right to serve structures, exception — change of suppliers, procedure — purchase of auxillary power — permanent service supplied to nonrural area, when.
- 393.358 Planned infrastructure projects, qualification process for contractors — definitions — requirements — report to general assembly.

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

- 393.1500 Citation of law.
- 393.1503 Definitions.
- 393.1506 Establishment of or change to WSIRA for recovery of appropriate pretax revenues, when, procedure.
- 393.1509 Filing of WSIRA petition, procedure — pretax revenues, considerations — calculation of WSIRA — revised schedule, when — commission authority — expiration date.
- 394.020 Definitions.
- 394.120 Qualifications for membership — meetings — rules — board of directors authority on certain matters, expires, when.
- 394.315 Definitions — rural electric cooperative exclusive right to serve structures, exception — change of suppliers, procedure — new structure built, effect of.

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

SECTION A. ENACTING CLAUSE. — Sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.358, 394.020, 394.120, and 394.315, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 67.309, 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.358, 393.1500, 393.1503, 393.1506, 393.1509, 394.020, 394.120, and 394.315, to read as follows:

67.309. UTILITY SERVICES, POLITICAL SUBDIVISIONS BARRED FROM PROHIBITING BASED ON TYPE OR SOURCE OF ENERGY. — **1. No political subdivision of this state shall adopt an ordinance, resolution, regulation, code, or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer. Nothing in this section shall limit the ability of a political subdivision to choose utility services for properties owned by such political subdivision or limit a political subdivision's ability to ensure public safety.**

2. For purposes of this section, utility services shall include natural gas, propane gas, electricity, and any other form of energy provided to an end user customer.

91.025. DEFINITIONS — CONTINUATION OF EXISTING ELECTRICAL SERVICE — CHANGE OF SUPPLIER — COMMISSION JURISDICTION — NEW STRUCTURE BUILT, EFFECT OF. — **1. As used in this section, the following terms mean:**

(1) "Municipally owned or operated electric power system", a system for the distribution of electrical power and energy to the inhabitants of a municipality which is owned and operated by the municipality itself, whether operated under authority pursuant to this chapter or under a charter form of government;

(2) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(3) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical corporation, rural electric cooperative, municipally owned or operated electric power system, or joint municipal utility commission. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

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2. Once a municipally owned or operated electrical system, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by a customer, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over municipally owned or operated electric systems to accomplish the purpose of this section. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such municipally owned or operated electrical system, and nothing in this section, section 393.106, and section 394.315 shall affect the rights, privileges or duties of any municipality to form or operate municipally owned or operated electrical systems. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred.

3. Notwithstanding the provisions of this section and sections 393.106, 394.080, and 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

153.030. BRIDGE AND PUBLIC UTILITY COMPANIES, HOW TAXED — ANNUAL REPORT — MICROWAVE RELAY STATIONS, APPORTIONMENT — TELEPHONE COMPANY, ONE-TIME ELECTION ON ASSESSMENT, EFFECT OF — WIND ENERGY PROJECT PROPERTY, HOW TAXED — CERTAIN GENERATION PROJECT PROPERTY, HOW TAXED. — 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. And taxes levied thereon shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

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Matter in bold-face type is proposed language.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such companies, the straight line distance between such microwave relay stations shall constitute miles of wire. In the event that any public utility company assessed pursuant to this chapter has no distributable property which physically traverses the counties in which it operates, then the assessed value of the distributable property of such company shall be apportioned to the physical location of the distributable property.

5. (1) Notwithstanding any provision of law to the contrary, beginning January 1, 2019, a telephone company shall make a one-time election within the tax year to be assessed:

(a) Using the methodology for property tax purposes as provided under this section; or

(b) Using the methodology for property tax purposes as provided under this section for property consisting of land and buildings and be assessed for all other property exclusively using the methodology utilized under section 137.122.

If a telephone company begins operations, including a merger of multiple telephone companies, after August 28, 2018, it shall make its one-time election to be assessed using the methodology for property tax purposes as described under paragraph (b) of subdivision (1) of this subsection within the year in which the telephone company begins its operations. A telephone company that fails to make a timely election shall be deemed to have elected to be assessed using the methodology for property tax purposes as provided under subsections 1 to 4 of this section.

(2) The provisions of this subsection shall not be construed to change the original assessment jurisdiction of the state tax commission.

(3) Nothing in subdivision (1) of this subsection shall be construed as applying to any other utility.

(4) (a) The provisions of this subdivision shall ensure that school districts may avoid any fiscal impact as a result of a telephone company being assessed under the provisions of paragraph (b) of subdivision (1) of this subsection. If a school district's current operating levy is below the greater of its most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall comply with section 137.073.

(b) Beginning January 1, 2019, any school district currently operating at a tax rate equal to the greater of the most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that receives less tax revenue from a specific telephone company under this subsection, on or before January thirty-first of the year following the tax year in which the school district received less revenue from a specific telephone company, may by resolution of the school board impose a fee, as determined under this subsection, in order to obtain such revenue. The resolution shall include all facts that support the imposition of the fee. If the school district receives voter approval to raise its tax rate, the district shall no longer impose the fee authorized in this paragraph.

(c) Any fee imposed under paragraph (b) of this subdivision shall be determined by taking the difference between the tax revenue the telephone company paid in the tax year in question and the tax revenue the telephone company would have paid in such year had it not made an election under subdivision (1) of this subsection, which shall be calculated by taking the telephone company valuations in the tax year in question, as determined by the state tax commission under paragraph (d) of this subdivision, and applying such valuations to the apportionment process in subsection 2 of section

151.150. The school district shall issue a billing, as provided in this subdivision, to any such telephone company. A telephone company shall have forty-five days after receipt of a billing to remit its payment of its portion of the fees to the school district. Notwithstanding any other provision of law, the issuance or receipt of such fee shall not be used:

- a. In determining the amount of state aid that a school district receives under section 163.031;
- b. In determining the amount that may be collected under a property tax levy by such district; or
- c. For any other purpose.

For the purposes of accounting, a telephone company that issues a payment to a school district under this subsection shall treat such payment as a tax.

(d) When establishing the valuation of a telephone company assessed under paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also determine the difference between the assessed value of a telephone company if:

- a. Assessed under paragraph (b) of subdivision (1) of this subsection; and
- b. Assessed exclusively under subsections 1 to 4 of this section.

The state tax commission shall then apportion such amount to each county and provide such information to any school district making a request for such information.

(e) This subsection shall expire when no school district is eligible for a fee.

6. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a project which uses wind energy directly to generate electricity, such wind energy project property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of the law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020, for any public utility company assessed pursuant to this chapter which has a wind energy project, such wind energy project shall be assessed using the methodology for real and personal property as provided in this subsection:

(a) Any wind energy property of such company shall be assessed upon the county assessor's local tax rolls;

(b) Any property consisting of land and buildings related to the wind energy project shall be assessed under chapter 137; and

(c) All other business or personal property related to the wind energy project shall be assessed using the methodology provided under section 137.122.

7. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2022, for any public utility company assessed pursuant to this chapter which has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such property to the public utility company such property shall be assessed as follows:

(a) Any property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction shall be assessed upon the county assessor's local tax rolls. The assessor shall rely on the public utility company for cost information of the generation portion of the property as found in the public utility company's Federal Energy Regulatory Commission Financial Report Form Number One at the time of

transfer of ownership and depreciate the costs provided in a manner similar to other commercial and industrial property;

(b) Any property consisting of land and buildings related to the generation property associated with a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed under chapter 137; and

(c) All other business or personal property related to a generation project which was originally constructed utilizing financing pursuant to chapter 100 for construction shall be assessed using the methodology provided under section 137.122.

153.034. ELECTRIC COMPANIES, DISTRIBUTABLE AND LOCAL PROPERTY, DEFINITIONS — WIND ENERGY PROJECTS PROPERTY, HOW TAXED — GENERATION PROJECTS PROPERTY, HOW TAXED. —

1. The term "distributable property" of an electric company shall include all the real or tangible personal property which is used directly in the generation and distribution of electric power, but not property used as a collateral facility nor property held for purposes other than generation and distribution of electricity. Such distributable property includes, but is not limited to:

- (1) Boiler plant equipment, turbogenerator units and generators;
- (2) Station equipment;
- (3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;
- (4) Substation equipment and fences;
- (5) Rights-of-way;
- (6) Reactor, reactor plant equipment, and cooling towers;
- (7) Communication equipment used for control of generation and distribution of power;
- (8) Land associated with such distributable property.

2. The term "local property" of an electric company shall include all real and tangible personal property owned, used, leased or otherwise controlled by the electric company not used directly in the generation and distribution of power and not defined in subsection 1 of this section as distributable property. Such local property includes, but is not limited to:

- (1) Motor vehicles;
- (2) Construction work in progress;
- (3) Materials and supplies;
- (4) Office furniture, office equipment, and office fixtures;
- (5) Coal piles and nuclear fuel;
- (6) Land held for future use;
- (7) Workshops, warehouses, office buildings and generating plant structures;
- (8) Communication equipment not used for control of generation and distribution of power;
- (9) Roads, railroads, and bridges;
- (10) Reservoirs, dams, and waterways;
- (11) Land associated with other locally assessed property and all generating plant land.

3. (1) Any real or tangible personal property associated with a project which uses wind energy directly to generate electricity shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.

(2) The real or tangible personal property referenced in subdivision (1) of this subsection shall include all equipment whose sole purpose is to support the integration of a wind generation asset into an existing system. Examples of such property may include, but are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated electrical equipment such as inverters, pad mount transformers, power lines, storage equipment directly associated with wind generation assets, and substations.

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

4. For any real or tangible personal property associated with a generation project which was originally constructed utilizing financing authorized under chapter 100 for construction, upon the transfer of ownership of such property to a public utility, such property shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.

204.569. BOARD OF TRUSTEES, POWERS IN UNINCORPORATED SEWER SUBDISTRICT — ADDITIONAL POWERS. — When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the question[, and] **except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer district located in whole or in part in any county of the first classification without a charter form of government adjacent to a county of the first classification with a charter form of government and a population of at least six hundred thousand and not more than seven hundred fifty thousand, bonds may be issued for such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict in a manner consistent with section 204.370, where "customer", as used in this subdivision, means any political subdivision within the subdistrict that has a service or user agreement with the common sewer district.** The principal and interest of such bonds shall be payable only from the revenues of the subdistrict and not from any revenues of the common sewer district as a whole;

(4) To charge the costs of the common sewer district for operation and maintenance attributable to the subdistrict, plus a proportionate share of the common sewer district's costs of administration to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440;

(5) With prior concurrence of the subdistrict's advisory board, to provide for the treatment and disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located within the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate share of the costs of the common sewer district for operation and maintenance to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440.

386.370. ESTIMATE OF EXPENSES — ASSESSMENTS AGAINST UTILITIES — PUBLIC SERVICE COMMISSION FUND — STATEMENT ON GROSS INTRASTATE OPERATING REVENUES. — 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year

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commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393 and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group. For purposes of this section, water corporations and sewer corporations will be combined and considered one group of public utilities.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public utilities in such group in proportion to their respective gross intrastate operating revenues during the preceding calendar year, except that the total amount so assessed to all such public utilities shall not exceed [one-fourth] **three hundred fifteen thousandths** of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.

3. The commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as "The Public Service Commission Fund", which fund, or its successor fund created pursuant to section 33.571, shall be devoted solely to the payment of expenditures actually incurred by the commission and attributable to the regulation of such public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the commission in the succeeding fiscal year and shall be applied by the commission to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.

5. In order to enable the commission to make the allocations and assessments herein provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall file with the commission, within ten days after August 28, 1996, and thereafter on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time aforesaid the commission shall estimate such revenue which estimate shall be binding on such public utility for the purpose of this section.

386.800. MUNICIPALLY OWNED ELECTRICAL SUPPLIER, SERVICES OUTSIDE BOUNDARIES PROHIBITED, EXCEPTIONS — ANNEXATION — NEGOTIATIONS, TERRITORIAL AGREEMENTS, REGULATIONS, PROCEDURE — FAIR AND REASONABLE COMPENSATION DEFINED — ASSIGNMENT OF SOLE SERVICE TERRITORIES — COMMISSION JURISDICTION — RURAL

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ELECTRIC COOPERATIVES, SERVICE WITHIN MUNICIPALITY, WHEN. — 1. No municipally owned electric utility may provide electric energy at retail to any structure located outside the municipality's corporate boundaries after July 11, 1991, unless:

(1) The structure was lawfully receiving permanent service from the municipally owned electric utility prior to July 11, 1991; [or]

(2) The service is provided pursuant to an approved territorial agreement under section 394.312;

(3) The service is provided pursuant to lawful municipal annexation and subject to the provisions of this section; or

(4) The structure is located in an area which was previously served by an electrical corporation regulated under chapter 386, and chapter 393, and the electrical corporation's authorized service territory was contiguous to or inclusive of the municipality's previous corporate boundaries, and the electrical corporation's ownership or operating rights within the area were acquired in total by the municipally owned electrical system prior to July 11, 1991. In the event that a municipally owned electric utility in a city with a population of more than one hundred twenty-five thousand located in a county of the first class not having a charter form of government and not adjacent to any other county of the first class desires to serve customers beyond the authorized service territory in an area which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as provided in this subdivision, **in the absence of an approved territorial agreement under section 394.312**, the municipally owned utility shall apply to the public service commission for an order assigning nonexclusive service territories **and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located in or within one mile outside of the boundaries of the proposed expanded service territory**. The proposed service area shall be contiguous to the authorized service territory which was previously served by an electrical corporation regulated under the provisions of chapter 386, and chapter 393, as a condition precedent to the granting of the application. The commission shall have one hundred twenty days from the date of application to grant or deny the requested order. The commission, **after a hearing**, may grant the order upon a finding that granting of the applicant's request is not detrimental to the public interest. In granting the applicant's request the commission shall give due regard to territories previously granted to **or served** by other electric service suppliers **and the wasteful duplication of electric service facilities**.

2. Any municipally owned electric utility may extend, pursuant to lawful annexation, its electric service territory to include [any structure located within a newly annexed area which has not received permanent service from another supplier within ninety days prior to the effective date of the annexation] **areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities with adequate and necessary service capability located in or within one mile outside the boundaries of the area proposed to be annexed, a majority of the existing developers, landowners, or prospective electric customers in the area proposed to be annexed may, anytime within forty-five days prior to the effective date of the annexation, submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations under section 394.312 to determine which electric service supplier is best suited to serve all or portions of the newly annexed area. In such negotiations the following factors shall be considered, at a minimum:**

(1) The preference of landowners and prospective electric customers;

(2) The rates, terms, and conditions of service of the electric service suppliers;

(3) The economic impact on the electric service suppliers;

(4) Each electric service supplier's operational ability to serve all or portions of the annexed area within three years of the date the annexation becomes effective;

(5) Avoiding the wasteful duplication of electric facilities;

(6) Minimizing unnecessary encumbrances on the property and landscape within the area to be annexed; and

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(7) Preventing the waste of materials and natural resources.

If the municipally owned electric utility and rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then they may submit proposals to those submitting the original written request, whose preference shall control, section 394.080 to the contrary notwithstanding, and the governing body of the annexing municipality shall not reject the petition requesting annexation based on such preference. This subsection shall not apply to municipally-owned property in any newly annexed area.

3. In the event an electrical corporation rather than a municipally owned electric utility lawfully is providing electric service in the municipality, all the provisions of subsection 2 shall apply equally as if the electrical corporation were a municipally owned electric utility, except that if the electrical corporation and the rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then either electric supplier may file an application with the commission for an order determining which electric supplier should serve, in whole or in part, the area to be annexed. The application shall be made pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. The commission after the opportunity for hearing shall make its determination after consideration of the factors set forth in subdivisions (1) through (7) of subsection 2 of this section, and section 394.080 to the contrary notwithstanding, may grant its order upon a finding that granting of the applicant's request is not detrimental to the public interest. The commission shall issue its decision by report and order no later than one hundred twenty days from the date of the application unless otherwise ordered by the commission for good cause shown. Review of such commission decisions shall be governed by sections 386.500 to 386.550. If the applicant is a rural electric cooperative, the commission shall charge to the rural electric cooperative the appropriate fees as set forth in subsection 9 of this section.

[3.] 4. When a municipally owned electric utility desires to extend its service territory to include any structure located within a newly annexed area which has received permanent service from another electric service supplier within ninety days prior to the effective date of the annexation, it shall:

(1) Notify by publication in a newspaper of general circulation the record owner of said structure, and notify in writing any affected electric service supplier and the public service commission, within sixty days after the effective date of the annexation its desire to extend its service territory to include said structure; and

(2) Within six months after the effective date of the annexation receive the approval of the municipality's governing body to begin negotiations pursuant to section 394.312 with [any] the affected electric service supplier.

[4.] 5. Upon receiving approval from the municipality's governing body pursuant to subsection 3 of this section, the municipally owned electric utility and the affected electric service supplier shall meet and negotiate in good faith the terms of the territorial agreement and any transfers or acquisitions, including, as an alternative, granting the affected electric service supplier a franchise or authority to continue providing service in the annexed area. In the event that the affected electric service supplier does not provide wholesale electric power to the municipality, if the affected electric service supplier so desires, the parties [shall] may also negotiate, consistent with applicable law, regulations and existing power supply agreements, for power contracts which would provide for the purchase of power by the municipality from the affected electric service supplier for an amount of power equivalent to the loss of any sales to customers receiving permanent service at structures within the annexed areas which are being sought by the municipally owned electric utility. The parties shall have no more than one hundred eighty days from the date of receiving approval from the municipality's governing body within which to conclude their negotiations and file their territorial agreement with the commission for approval under the provisions of section 394.312. The time period for negotiations allowed under this subsection may

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be extended for a period not to exceed one hundred eighty days by a mutual agreement of the parties and a written request with the public service commission.

[5.] **6.** For purposes of this section, the term "fair and reasonable compensation" shall mean the following:

(1) The present-day reproduction cost, new, of the properties and facilities serving the annexed areas, less depreciation computed on a straight-line basis; and

(2) An amount equal to the reasonable and prudent cost of detaching the facilities in the annexed areas and the reasonable and prudent cost of constructing any necessary facilities to reintegrate the system of the affected electric **service** supplier outside the annexed area after detaching the portion to be transferred to the municipally owned electric utility; and

(3) **[Four] Two** hundred percent of gross revenues less gross receipts taxes received by the affected electric **service** supplier from the twelve-month period preceding the approval of the municipality's governing body under the provisions of subdivision (2) of subsection **[3] 4** of this section, normalized to produce a representative usage from customers at the subject structures in the annexed area; and

(4) Any federal, state and local taxes which may be incurred as a result of the transaction, including the recapture of any deduction or credit; and

(5) Any other costs reasonably incurred by the affected electric supplier in connection with the transaction.

[6.] **7.** In the event the parties are unable to reach an agreement under subsection **[4] 5** of this section, within sixty days after the expiration of the time specified for negotiations, the municipally owned electric utility **or the affected electric service supplier** may apply to the commission for an order assigning exclusive service territories within the annexed area and a determination of the fair and reasonable compensation amount to be paid to the affected electric **service** supplier under subsection **[5] 6** of this section. Applications shall be made and notice of such filing shall be given to all affected parties pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. Unless otherwise ordered by the commission for good cause shown, the commission shall rule on such applications not later than one hundred twenty days after the application is properly filed with the secretary of the commission. The commission shall hold evidentiary hearings to assign service territory between **the** affected electric **service** suppliers inside the annexed area and to determine the amount of compensation due any affected electric **service** supplier for the transfer of plant, facilities or associated lost revenues between electric **service** suppliers in the annexed area. The commission shall make such determinations based on findings of what best serves the public interest and shall issue its decision by report and order. Review of such commission decisions shall be governed by sections 386.500 to 386.550. The payment of compensation and transfer of title and operation of the facilities shall occur within ninety days after the order and any appeal therefrom becomes final unless the order provides otherwise.

[7.] **8.** In reaching its decision under subsection **[6] 7** of this section, the commission shall consider the following factors:

(1) Whether the acquisition or transfers sought by the municipally owned electric utility within the annexed area from the affected electric **service** supplier are, in total, in the public interest, including **the preference of the owner of any affected structure**, consideration of rate disparities between the competing electric **service** suppliers, and issues of unjust rate discrimination among customers of a single electric **service** supplier if the rates to be charged in the annexed areas are lower than those charged to other system customers; and

(2) The fair and reasonable compensation to be paid by the municipally owned electric utility, to the affected electric **service** supplier with existing system operations within the annexed area, for any proposed acquisitions or transfers; and

(3) Any effect on system operation, including, but not limited to, loss of load and loss of revenue; and

(4) Any other issues upon which the municipally owned electric utility and the affected electric service supplier might otherwise agree, including, but not limited to, the valuation formulas and factors contained in subsections [4,] 5, 6, and [6] 7, of this section, even if the parties could not voluntarily reach an agreement thereon under those subsections.

[8.] 9. The commission is hereby given all necessary jurisdiction over municipally owned electric utilities and rural electric cooperatives to carry out the purposes of this section consistent with other applicable law; provided, however, the commission shall not have jurisdiction to compel the transfer of customers or structures with a connected load greater than one thousand kilowatts. The commission shall by rule set appropriate fees to be charged on a case-by-case basis to municipally owned electric utilities and rural electric cooperatives to cover all necessary costs incurred by the commission in carrying out its duties under this section. **Nothing in this section shall be construed as otherwise conferring upon the public service commission jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally-owned electric utility, except as provided in this section.**

10. **Notwithstanding sections 394.020 and 394.080 to the contrary, a rural electric cooperative may provide electric service within the corporate boundaries of a municipality if such service is provided:**

(1) Pursuant to subsections 2 through 9 of this section; and

(2) **Such service is conditioned upon the execution of the appropriate territorial and municipal franchise agreements, which may include a nondiscriminatory requirement, consistent with other applicable law, that the rural electric cooperative collect and remit a sales tax based on the amount of electricity sold by the rural electric cooperative within the municipality.**

393.106. DEFINITIONS — ELECTRIC POWER SUPPLIERS EXCLUSIVE RIGHT TO SERVE STRUCTURES, EXCEPTION — CHANGE OF SUPPLIERS, PROCEDURE — PURCHASE OF AUXILIARY POWER — PERMANENT SERVICE SUPPLIED TO NONRURAL AREA, WHEN. — 1. As used in this section, the following terms mean:

(1) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once an electrical corporation or joint municipal utility commission, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided in this section,

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nothing contained herein shall affect the rights, privileges or duties of existing corporations pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of this section and sections 91.025, 394.080, and 394.315 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

393.358. PLANNED INFRASTRUCTURE PROJECTS, QUALIFICATION PROCESS FOR CONTRACTORS — DEFINITIONS — REQUIREMENTS — REPORT TO GENERAL ASSEMBLY. — 1. For purposes of this section, the following terms shall mean:

(1) "Commission", the Missouri public service commission established under section 386.040;

(2) "Water corporation", a corporation with more than one thousand Missouri customers that otherwise meets the definition of "water corporation" in section 386.020.

2. Water corporations shall develop a qualification process open to all contractors seeking to provide construction and construction-related services for planned infrastructure projects on the water corporation's distribution system. The water corporation shall specify qualification requirements and goals for contractors seeking to perform such work, including but not limited to experience, performance criteria, safety record and policies, technical expertise, scheduling needs and available resources, supplier diversity and insurance requirements. Contractors that meet the qualification requirements shall be eligible to participate in a competitive bidding process for providing construction and construction-related services for planned infrastructure projects on the water corporation's distribution system, and the contractor making the lowest and best bid shall be awarded such contract. For contractors not qualifying through the competitive bid process, the water corporation, upon request from the contractor, shall provide information from the process in which the contractor can be informed as to how to be better positioned to qualify for such bid opportunities in the future. Nothing in this section shall be construed as requiring any water corporation to use third parties instead of its own employees to perform such work, to use the contractor qualification or competitive bidding process in the case of an emergency project, or to terminate any existing contract with a contractor prior to its expiration.

3. Within thirty days after August 28, 2018, and with the filing of a general rate proceeding initiated by the water corporation, the water corporation shall file a statement with the commission confirming it has established a qualification process meeting the requirements of this section and that such process is used for no less than [ten] **twenty** percent of the corporation's external expenditures for planned infrastructure projects on the water corporation's distribution system. The commission shall have the authority to verify the statements to ensure compliance with this section.

4. By December 31, 2020, the commission shall submit a report to the general assembly on the effects of this section, including water corporation compliance, the costs of performing planned infrastructure projects prior to the implementation of this section compared to after the implementation of this section, and any other information regarding the process established under this section that the commission deems necessary.

393.1500. CITATION OF LAW. — Sections 393.1500 to 393.1509 shall be known and may be cited as the "Missouri Water and Sewer Infrastructure Act".

393.1503. DEFINITIONS. — As used in sections 393.1500 to 393.1509, the following terms shall mean:

(1) "Appropriate pretax revenues", the revenues necessary to produce net operating income equal to:

(a) The water or sewer corporation's pretax weighted cost of capital multiplied by the net original cost of eligible infrastructure system projects, including recognition of accumulated deferred income taxes and accumulated depreciation associated with eligible infrastructure system projects which are included in the petition to establish or change a WSIRA, plus accumulated deferred income taxes and accumulated depreciation associated with any eligible infrastructure system projects in a currently effective WSIRA implemented pursuant to sections 393.1506 and 393.1509;

(b) The state, federal, and local income or excise taxes applicable to such revenues;

(c) The depreciation expense applicable to the eligible infrastructure system project less annual depreciation expense associated with any related facility retirements; and

(d) The property taxes applicable to the eligible infrastructure that will be due within twelve months of the filing of a request to implement a water and sewer infrastructure rate adjustment pursuant to sections 393.1506 and 393.1509, less any property taxes associated with any related facility retirements;

(2) "Commission", the Missouri public service commission;

(3) "Eligible infrastructure system projects", water or sewer utility plant projects that:

(a) Replace or extend the useful life of existing infrastructure;

(b) Are in service and used and useful;

(c) Do not include projects intended solely for customer growth; and

(d) The costs of which were not recovered in the water or sewer corporation's base rates in its most recent general rate case;

(4) "Sewer corporation", the same as defined in section 386.020;

(5) "Water and sewer infrastructure rate adjustment" or "WSIRA", a separate line item rate on a customer's water or sewer bill designed to recover the appropriate pretax revenues associated with eligible infrastructure system projects implemented pursuant to sections 393.1500 to 393.1509;

(6) "Water corporation", the same as defined in section 386.020;

(7) "Water or sewer utility plant projects", shall consist of the following:

(a) Replacement of or cleaning and relining of existing water and sewer pipes, and associated valves, hydrants, meters, service lines, laterals, sewer taps, curbstops, and manholes;

(b) Replacement of lead mains, lead goosenecks and lead service lines, and associated valves and meters;

(c) Replacement of booster station and lift station pumps, with equipment of similar capacity and operation, as well as related pipes, valves, and meters;

(d) Facilities relocations required due to construction or improvement of a highway, road, street, public way, or other public work by or on behalf of the United States, this state, a political subdivision of this state, or another entity having the power of eminent domain; provided that the costs related to such projects have not been reimbursed to the water or sewer corporation;

(e) Replacement of water and wastewater treatment mechanical equipment with equipment of similar capacity and operation, including well and intake pumps, transfer pumps, high service or discharge pumps, and metering pumps; and

(f) Replacement of Supervisory Control and Data Acquisition System (SCADA) components necessary for the operation and monitoring of remote installations including radio and cellular communication equipment, and programmable logic controllers;

(8) "WSIRA revenues", revenues produced through implementation of a WSIRA pursuant to sections 393.1500 to 393.1509, exclusive of revenues from all other rates and charges.

393.1506. ESTABLISHMENT OF OR CHANGE TO WSIRA FOR RECOVERY OF APPROPRIATE PRETAX REVENUES, WHEN, PROCEDURE. — 1. Notwithstanding any provisions of chapter 386 and this chapter to the contrary, a water or sewer corporation that provides water or sewer service to more than eight thousand customer connections may file a petition and proposed rate schedules with the commission to establish or change a WSIRA that will provide for the recovery of the appropriate pretax revenues associated with the eligible infrastructure system projects, less the appropriate pretax revenues associated with any retired utility plant that is being replaced by the eligible infrastructure system projects. The WSIRA shall not produce revenues in excess of fifteen percent of the water or sewer corporation's base revenue requirement approved by the commission in the water or sewer corporation's most recent general rate proceeding; provided, however, that neither WSIRA revenues attributable to replacement of customer-owned lead service lines, nor any reconciliation amounts described in subdivision (2) of subsection 5 of section 393.1509, shall count toward the program cap. The WSIRA and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1503 to 393.1509. WSIRA revenues shall be subject to refund based upon a finding and order of the commission, to the extent provided in subsections 5 and 8 of section 393.1509.

2. The commission shall not approve a WSIRA for a water or sewer corporation that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years of the filing of a petition pursuant to this section unless the water or sewer corporation has filed for or is the subject of a new general rate proceeding.

3. In no event shall a water or sewer corporation collect a WSIRA for a period exceeding three years unless the water or sewer corporation has filed for or is the subject of a pending general rate proceeding; provided that the WSIRA may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established.

4. Except as provided in this subsection, in no event shall a water or sewer corporation collect a WSIRA if also collecting revenues from a commission approved infrastructure system replacement surcharge as provided in sections 393.1000 to 393.1006. In no event shall a customer be charged both an infrastructure system replacement surcharge as provided in sections 393.1000 to 393.1006 and a WSIRA. In the event a water or sewer corporation is collecting infrastructure system replacement surcharge revenues under sections 393.1000 to 393.1006, that was approved prior to August 28, 2021, when the initial WSIRA is filed, the approved infrastructure system replacement surcharge revenues shall be included in the new WSIRA filing.

393.1509. FILING OF WSIRA PETITION, PROCEDURE — PRETAX REVENUES, CONSIDERATIONS — CALCULATION OF WSIRA — REVISED SCHEDULE, WHEN — COMMISSION AUTHORITY — EXPIRATION DATE. — 1. (1) At the time that a water or sewer corporation files a petition with the commission seeking to establish or change a WSIRA, it shall submit proposed WSIRA rate schedules and supporting documentation regarding the calculation of the proposed WSIRA with the petition and shall serve the office of the public counsel with a copy of its petition, its proposed WSIRA rate schedules, and its supporting documentation.

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Matter in bold-face type is proposed language.

(2) Upon the filing of a petition and any associated WSIRA rate schedules, seeking to establish or change a WSIRA, the commission shall publish notice of the filing.

(3) Three months prior to a water or sewer corporation filing a petition to establish a WSIRA, it shall also file with the commission a five-year capital expenditure plan unless such a plan has already been submitted during the previous twelve months. Thereafter, the water or sewer corporation shall annually file with the commission a five-year capital expenditure plan by January thirty-first of each year the corporation is collecting revenues through a WSIRA. Nothing in this section shall be construed to prevent the water or sewer corporation from prioritizing eligible infrastructure projects that coincide with public works projects.

2. (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of sections 393.1503 to 393.1509, the commission shall conduct an examination of the proposed WSIRA.

(2) The staff of the commission may examine information of the water or sewer corporation to confirm that the underlying costs are in accordance with the provisions of sections 393.1503 to 393.1509, and to confirm proper calculation of the proposed WSIRA, and may submit a report regarding its examination to the commission not later than ninety days after the petition is filed. No other revenue requirement or ratemaking issues shall be examined in consideration of the petition or associated proposed WSIRA rate schedules filed pursuant to the provisions of sections 393.1503 to 393.1509.

(3) The commission may hold a hearing on the petition and any associated WSIRA rate schedule and shall issue an order to become effective not later than one hundred eighty days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of sections 393.1503 to 393.1509, the commission shall enter an order authorizing the water or sewer corporation to implement a WSIRA that is sufficient to recover appropriate pretax revenues, as determined by the commission pursuant to the provisions of sections 393.1503 to 393.1509.

3. A water or sewer corporation may effectuate a change in its WSIRA pursuant to this section no more often than two times in every twelve-month period.

4. In determining the appropriate pretax revenues, the commission shall consider only the following factors:

(1) The current state, federal, and local income or excise tax rates, including any income tax deductions;

(2) The water or sewer corporation's actual regulatory capital structure as determined during the most recent general rate proceeding of the water or sewer corporation;

(3) The actual cost rates for the water or sewer corporation's debt and preferred stock as determined during the most recent general rate proceeding of the water or sewer corporation;

(4) The water or sewer corporation's cost of common equity as determined during the most recent general rate proceeding of the water or sewer corporation;

(5) The current property tax rate or rates applicable to the eligible infrastructure system projects;

(6) The current depreciation rates applicable to the eligible infrastructure system projects;

(7) In the event information described in subdivisions (2), (3), and (4) of this subsection is unavailable and the commission is not provided with such information on an agreed-upon basis, the commission shall utilize the overall pretax weighted average cost of capital last authorized for the water or sewer corporation in a general rate proceeding regarding a WSIRA or an infrastructure system replacement surcharge under sections 393.1000 to 393.1006.

5. (1) A WSIRA shall be calculated based upon the amount of infrastructure system project costs that are eligible for recovery during the period in which the WSIRA will be in effect and upon the applicable tariff rate group billing determinants utilized in designing the water or sewer

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corporation's customer rates in its most recent general rate proceeding and allocated in a manner consistent with the rate design methodology utilized to develop the water or sewer corporation's base rates resulting from its most recent general rate proceeding.

(2) At the end of each twelve-month calendar period that a WSIRA is in effect, the water or sewer corporation shall reconcile the differences between the revenues resulting from a WSIRA and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed WSIRA to the commission for approval to recover or credit the difference, as appropriate, through a WSIRA.

6. (1) A water or sewer corporation that has implemented a WSIRA pursuant to the provisions of sections 393.1503 to 393.1509 shall file revised WSIRA schedules to reset the WSIRA to zero when new base rates and charges become effective for the water or sewer corporation following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates, subject to subsections 8 and 9 of this section, eligible costs previously reflected in a WSIRA.

(2) Upon the inclusion in a water or sewer corporation's base rates, subject to subsections 8 and 9 of this section, of eligible costs previously reflected in a WSIRA, the water or sewer corporation shall immediately thereafter reconcile any previously unreconciled WSIRA revenues as necessary to ensure that revenues resulting from the WSIRA match as closely as possible the appropriate pretax revenues as found by the commission for that period.

7. A water or sewer corporation's filing of a petition to establish or change a WSIRA pursuant to the provisions of sections 393.1503 to 393.1509 shall not be considered a request for a general increase in the water or sewer corporation's base rates and charges.

8. Commission approval of a petition, and any associated rate schedules, to establish or change a WSIRA pursuant to the provisions of sections 393.1503 to 393.1509 shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system projects during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system projects previously included in a WSIRA, the water or sewer corporation shall offset its WSIRA in the future as necessary to recognize and account for any such overcollections.

9. Nothing contained in sections 393.1503 to 393.1509 shall be construed to impair in any way the authority of the commission to review the reasonableness of the rates or charges of a water or sewer corporation, including review of the prudence of eligible infrastructure system replacements made by a water or sewer corporation, pursuant to the provisions of section 386.390.

10. The commission may take into account any change in business risk to the water or sewer corporation resulting from implementation of the WSIRA in setting the corporation's allowed return in a general rate proceeding in addition to any other changes in business risk experienced by the corporation.

11. The commission shall have authority to promulgate rules for the implementation of sections 393.1503 to 393.1509, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of sections 393.1503 to 393.1509. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,

then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

12. The provisions of sections 393.1500 to 393.1509 shall expire on December 31, 2031.

394.020. DEFINITIONS. — In this chapter, unless the context otherwise requires,

(1) "Member" means each incorporator of a cooperative and each person admitted to and retaining membership therein, and shall include a husband and wife admitted to joint membership;

(2) "Person" includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof, or any body politic; and

(3) "Rural area" shall be deemed to mean any area of the United States not included within the boundaries of any city, town or village having a population in excess of [fifteen] **sixteen** hundred inhabitants, and such term shall be deemed to include both the farm and nonfarm population thereof.

The number of inhabitants specified in this subdivision shall be increased by six percent every ten years after each decennial census beginning in 2030.

394.120. QUALIFICATIONS FOR MEMBERSHIP — MEETINGS — RULES — BOARD OF DIRECTORS AUTHORITY ON CERTAIN MATTERS, EXPIRES, WHEN. — 1. No person shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to be a member thereof if he or she shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members, or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the cooperative is located.

5. Except as herein otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.

6. Two percent of the first two thousand members and one percent of the remaining members, present in person, or if the bylaws so provide, participating electronically or by mail, shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy, by electronic means, by mail, or any combination thereof. If the bylaws provide for voting by proxy, by electronic means, or by mail, they shall also prescribe the conditions under which proxy, electronic, or mail voting shall be exercised. In any event, no person shall vote as proxy for more than two members at any meeting of the members.

8. Notwithstanding the provisions of subsections 2 and 7 of this section, the board of directors shall have the power to set the time and place of the annual meeting and also to provide for voting by proxy, electronic means, by mail, or any combination thereof, and to prescribe the conditions

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Matter in bold-face type is proposed language.

under which such voting shall be exercised. The meeting requirement provided in this section may be satisfied through virtual means. The provisions of this subsection shall expire on August 28, 2022.

394.315. DEFINITIONS — RURAL ELECTRIC COOPERATIVE EXCLUSIVE RIGHT TO SERVE STRUCTURES, EXCEPTION — CHANGE OF SUPPLIERS, PROCEDURE — NEW STRUCTURE BUILT, EFFECT OF. — 1. As used in this section, the following terms mean:

(1) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on [a rural electric cooperative] **an electric supplier** to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once a rural electric cooperative, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section. The commission's jurisdiction under this section is limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction. Except as provided herein, nothing in this section shall be construed as otherwise conferring upon the commission jurisdiction over the service, rates, financing, accounting or management of any such cooperative, and except as provided in this section, nothing contained herein shall affect the rights, privileges or duties of existing cooperatives pursuant to this chapter. Nothing in this section shall be construed to make lawful any provision of service which was unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the continued lawful provision of service to any structure which may have had a different supplier in the past, if such a change in supplier was lawful at the time it occurred. However, those customers who had cancelled service with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

3. Notwithstanding the provisions of this section and sections 91.025, 393.106, and 394.080 to the contrary, in the event that a retail electric supplier is providing service to a structure located within a city, town, or village that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

Approved July 6, 2021

SS SB 45

Enacts provisions relating to benefits for certain firefighters as a result of employment as a firefighter.

AN ACT to repeal sections 287.245 and 537.620, RSMo, and to enact in lieu thereof three new sections relating to benefits for certain firefighters as a result of employment as a firefighter.

SECTION

- A Enacting clause.
- 287.245 Volunteer firefighters, grants for workers' compensation insurance premiums — or cancer benefits pool.
- 320.400 Cancer benefits pool — definitions — creation, employer contributions — benefits, amount — other payments, when — grants — effect on worker's compensation determinations.
- 537.620 Political subdivisions may jointly create entity to provide insurance — entity created not deemed an insurance company or insurer.

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

SECTION A. ENACTING CLAUSE. — Sections 287.245 and 537.620, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 287.245, 320.400, and 537.620, to read as follows:

287.245. VOLUNTEER FIREFIGHTERS, GRANTS FOR WORKERS' COMPENSATION INSURANCE PREMIUMS — OR CANCER BENEFITS POOL. — 1. As used in this section, the following terms shall mean:

- (1) "Association", volunteer fire protection associations as defined in section 320.300;
- (2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;
- (3) "Volunteer firefighter", the same meaning as in section 287.243;
- (4) **"Voluntary firefighter cancer benefits pool" or "pool", the same meaning as in section 320.400.**

2. (1) Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

(2) **Any voluntary firefighter cancer benefits pool may apply to the state fire marshal for a grant for the purpose of establishing a voluntary firefighter cancer benefits pool. This subdivision shall expire June 30, 2023.**

3. Subject to appropriations, the state fire marshal [shall] **may** disburse grants to [each] **any** applying volunteer fire protection association [according] **subject** to the following schedule:

- (1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;
- (2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;
- (3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater

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recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters **or establishing a voluntary firefighter cancer benefits pool.**

320.400. CANCER BENEFITS POOL — DEFINITIONS — CREATION, EMPLOYER CONTRIBUTIONS — BENEFITS, AMOUNT — OTHER PAYMENTS, WHEN — GRANTS — EFFECT ON WORKER'S COMPENSATION DETERMINATIONS. — 1. For purposes of this section, the following terms mean:

(1) "Covered individual", a firefighter who:

(a) Is a paid employee or is a volunteer firefighter as defined in section 320.333;

(b) Has been assigned to at least five years of hazardous duty as a firefighter;

(c) Was exposed to an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Health Care Policy and Research, the American Society for Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute;

(d) Was last assigned to hazardous duty as a firefighter within the previous fifteen years; and

(e) Is not seventy years of age or older at the time of the diagnosis of cancer;

(2) "Dependent", the same meaning as in section 287.240;

(3) "Employer", any political subdivision of the state;

(4) "Voluntary firefighter cancer benefits pool" or "pool", an entity described in section 537.620 that is established for the purposes of this section.

2. (1) Three or more employers may create a voluntary firefighter cancer benefits pool for the purpose of this section. An employer may make contributions into the voluntary firefighter cancer benefits pool established for the purpose of this section. The contribution levels and award levels shall be set by the board of trustees of the pool.

(2) For an employer that chooses to make contributions into the voluntary firefighter cancer benefits pool, the pool shall provide the minimum benefits specified by the board of trustees of the pool to covered individuals, based on the award level of the cancer at the time of diagnosis, after the employer becomes a participant.

(3) Benefit levels shall be established by the board of trustees of the pool based on the category and stage of the cancer.

(4) In addition to an award pursuant to subdivision (3) of this subsection:

(a) A payment may be made from the pool to a covered individual for the actual award, up to twenty-five thousand dollars, for rehabilitative or vocational training employment services and educational training relating to the cancer diagnosis;

(b) A payment may be made to covered individual of up to ten thousand dollars if the covered individual incurs cosmetic disfigurement costs resulting from cancer.

(5) If the cancer is diagnosed as terminal cancer, the covered individual may receive a lump-sum payment of twenty-five thousand dollars as an accelerated payment toward the benefits due based on the benefit levels established pursuant to subdivision (3) of this subsection.

(6) The covered individual may receive additional awards if the cancer increases in award level, but the amount of any benefit paid earlier for the same cancer may be subtracted from the new award.

(7) If a covered individual dies while owed benefits pursuant to this section, the benefits shall be paid to the dependent or domestic partner, if any, at the time of death. If there is no dependent or domestic partner, the obligation of the pool to pay benefits shall cease.

(8) If a covered individual returns to the same position of employment after a cancer diagnosis, the covered individual may receive benefits in this section for any subsequent new type of covered cancer diagnosis.

(9) The benefits payable pursuant to this section shall be reduced by twenty-five percent if a covered individual used a tobacco product within the five years immediately preceding the cancer diagnosis.

(10) A claim for benefits from the pool shall be filed no later than two years after the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once to allow the pool to increase the award level pursuant to subdivision (3) of this subsection.

(11) For purposes of all other employment policies and benefits that are not workers' compensation benefits payable under chapter 287, health insurance, and any benefits paid pursuant to chapter 208, a covered individual's cancer diagnosis shall be treated as an on-the-job injury or illness.

3. The board of trustees of the pool may:

(1) Create a program description to further define or modify the benefits of this section;

(2) Modify the contribution rates, benefit levels, including the maximum amount, consistent with subdivision (1) of this subsection, and structure of the benefits based on actuarial recommendations and with input from a committee of the pool; and

(3) Set a maximum amount of benefits that may be paid to a covered individual for each cancer diagnosis.

4. The board of trustees of the pool shall be considered a public governmental body and shall be subject to all of the provisions of chapter 610.

5. A pool may accept or apply for any grants or donations from any private or public source.

6. (1) Any pool may apply to the state fire marshal for a grant for the purpose of establishing a voluntary firefighter cancer benefits pool. The state fire marshal shall disburse grants to the pool upon receipt of the application.

(2) The state fire marshal may grant money disbursed under section 287.245 to be used for the purpose of setting up a pool.

(3) This subsection shall expire on June 30, 2023.

7. (1) This subsection shall not affect any determination as to whether a covered individual's cancer arose out of and in the course of employment and is a compensable injury pursuant to chapter 287. Receipt of benefits from the pool under this section shall not be considered competent evidence or proof by itself of a compensable injury under chapter 287.

(2) Should it be determined that a covered individual's cancer arose out of and in the course of employment and is a compensable injury under chapter 287, the compensation and death benefit provided under chapter 287 shall be reduced one hundred percent by any benefits received from the pool under this section.

(3) The employer in any claim made pursuant to chapter 287 shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from the pool and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from the pool under this section. Any receipt of benefits from the pool under this section shall be treated as an advance payment by the employer, on account of any future installments of benefits payable pursuant to chapter 287.

537.620. POLITICAL SUBDIVISIONS MAY JOINTLY CREATE ENTITY TO PROVIDE INSURANCE — ENTITY CREATED NOT DEEMED AN INSURANCE COMPANY OR INSURER. — Notwithstanding any direct or implied prohibitions in chapter 375, 377, or 379, any three or more political subdivisions of this state may form a business entity for the purpose **described in section 320.400 or for the purpose** of providing liability and all other insurance, including insurance for elderly or low-income housing in which the political subdivision has an insurable interest, for any of the subdivisions upon the assessment plan as provided in sections 537.600 to 537.650. Any public governmental body or quasi-public governmental body, as defined in section 610.010, and any political subdivision of this state or any other state may join this entity and use public funds to pay any necessary assessments. Except for being subject to the regulation of the director of the department of commerce and insurance under sections 375.930 to 375.948, sections 375.1000 to 375.1018, and sections 537.600 to 537.650, any such business entity shall not be deemed to be an insurance company or insurer under the laws of this state, and the coverage provided by such entity and the administration of such entity shall not be deemed to constitute the transaction of an insurance business. Risk coverages procured under this section shall not be deemed to constitute a contract, purchase, or expenditure of public funds for which a public governmental body, quasi-public governmental body, or political subdivision is required to solicit competitive bids.

Approved July 8, 2021

HCS SCS SB 49

Enacts provisions relating to public safety, with a penalty provision.

AN ACT to repeal sections 301.550, 306.030, 306.221, and 307.380, RSMo, and to enact in lieu thereof five new sections relating to public safety, with a penalty provision.

SECTION

- A Enacting clause.
- 301.550 Definitions — classification of dealers.
- 306.030 Certificate of number, application, procedure, contents, fee — numbers, how attached — numbers from federal or other state governments, reciprocity — permanent certificate, when — renewal of certificate, when, how — personal property tax statement and proof of payment required — deposit and use of fees.
- 306.221 Obstruction of traffic or access to boat docks — violation, penalty.
- 307.380 Accidents, reinspection required, when — certain sales exempt from inspection requirement — violation, penalty.
- 650.125 Citation of law — commission established, purpose, members, qualifications, meetings — duties — annual report.

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

SECTION A. ENACTING CLAUSE. — Sections 301.550, 306.030, 306.221, and 307.380, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 301.550, 306.030, 306.221, 307.380, and 650.125, to read as follows:

301.550. DEFINITIONS — CLASSIFICATION OF DEALERS. — 1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.580, and in addition as used in sections 301.550 to 301.580, the following terms mean:

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

(1) "Boat dealer", any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.580; except that, such sales requirements shall be waived for entities also licensed as boat manufacturers under section 301.559 who custom manufacture boats:

- (a) For use with biological research and management equipment for fisheries; or
- (b) For use with scientific sampling and for geological or chemistry purposes.

The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.580;

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

- (3) "Department", the Missouri department of revenue;
- (4) "Director", the director of the Missouri department of revenue;

(5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;

(6) "Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) "Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

- (a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;
- (b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of eight or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.580. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. To be eligible for license renewal, applicants shall meet the minimum requirement of eight sales per year;

(9) "New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange

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that particular make of motor vehicle. The term "new motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles;

(11) "Person" includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity;

(12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) "Public motor vehicle auction", any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;

(15) "Storage lot", an area within the same city or county where a dealer may store excess vehicle inventory;

(16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as defined in section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.580. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.580, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

(20) "Vessel trailer", any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) "Wholesale motor vehicle auction", any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to 301.580, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010.

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
- (2) Franchised new motor vehicle dealers;
- (3) Used motor vehicle dealers;
- (4) Wholesale motor vehicle dealers;
- (5) Recreational motor vehicle dealers;
- (6) Historic motor vehicle dealers;
- (7) Classic motor vehicle dealers;
- (8) Powersport dealers; and
- (9) Trailer dealers.

306.030. CERTIFICATE OF NUMBER, APPLICATION, PROCEDURE, CONTENTS, FEE — NUMBERS, HOW ATTACHED — NUMBERS FROM FEDERAL OR OTHER STATE GOVERNMENTS, RECIPROCITY — PERMANENT CERTIFICATE, WHEN — RENEWAL OF CERTIFICATE, WHEN, HOW — PERSONAL PROPERTY TAX STATEMENT AND PROOF OF PAYMENT REQUIRED — DEPOSIT AND USE OF FEES. — 1. The owner of each vessel requiring numbering by this state shall file an application for number with the department of revenue on forms provided by it. The application shall contain a full description of the vessel, factory number or serial number, together with a statement of the applicant's source of title and of any liens or encumbrances on the vessel. For good cause shown the director of revenue may extend the period of time for making such application. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon issue an appropriate certificate of title over the director's signature and sealed with the seal of the director's office, procured and used for such purpose, and a certificate of number stating the number awarded to the vessel. The application shall include a provision stating that the applicant will consent to any inspection necessary to determine compliance with the provisions of this chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee specified in subsection 10 of this section. The owner shall paint on or attach to each side of the bow of the vessel the identification number in a manner as may be prescribed by rules and regulations of the division of water safety in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever the vessel is in operation. The operator of a vessel in which such certificate of number is not available for inspection by the water patrol division or, if the operator cannot be determined, the person who is the registered owner of the vessel shall be subject to the penalties provided in section 306.210. Vessels owned by the state or a political subdivision shall be registered but no fee shall be assessed for such registration.

2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or within three feet of the transom or stern a factory number or serial number.

3. The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the vessel on the waters of this state in excess of the sixty-day reciprocity period provided for in section 306.080. The recordation and payment of registration fee shall be in the manner and pursuant to the procedure required for the award of a number

under subsection 1 of this section. No additional or substitute number shall be issued unless the number is a duplicate of an existing Missouri number.

4. In the event that an agency of the United States government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department of revenue shall be in conformity therewith.

5. All records of the department of revenue made and kept pursuant to this section shall be public records.

6. **A permanent certificate of number may be issued upon application and payment of three times the fee specified for the vessel under this section and three times any processing fee applicable to a three-year certificate of number for the vessel. Permanent certificates of number shall not be transferred to any other person or vessel, or displayed on any vessel other than the vessel for which it was issued, and shall continue in force and effect until terminated or discontinued in accordance with the provisions of this chapter.** Every other certificate of number awarded pursuant to this chapter shall continue in force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same or in accordance with the provisions of sections 306.010 to 306.030.

7. The department of revenue shall fix the days and months of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this chapter and may stagger such dates in order to distribute the workload.

8. When applying for or renewing a vessel's certificate of number, the owner shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the year in which the renewal is due and which reflects that the vessel being renewed is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

9. When applying for or renewing a certificate of registration for a vessel documented with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the renewal is due and which reflects that the vessel is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

10. The fee to accompany each application for a certificate of number is:

For vessels under 16 feet in length	\$25.00
For vessels at least 16 feet in length but less than 26 feet in length	\$55.00
For vessels at least 26 feet in length but less than 40 feet in length	\$100.00
For vessels at least 40 feet and over	\$150.00

11. The certificate of title and certificate of number issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection.

12. For fiscal years ending before July 1, 2019, the first two million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of two million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.

13. Beginning July 1, 2019, the first one million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of one million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.

14. Notwithstanding the provisions of subsection 10 of this section, vessels at least sixteen feet in length but less than twenty-eight feet in length, that are homemade, constructed out of wood, and have a beam of five feet or less, shall pay a fee of fifty-five dollars which shall accompany each application for a certification number.

306.221. OBSTRUCTION OF TRAFFIC OR ACCESS TO BOAT DOCKS — VIOLATION, PENALTY. — 1. No person shall operate or otherwise position a vessel or other object or any person in such manner as to obstruct or impede the normal flow of traffic on the waters of this state.

2. **No person shall anchor a vessel positioned within one hundred feet of a permitted boat dock on the waters of this state in a manner that obstructs ingress or egress of watercraft to or from the dock, unless authorized by the boat dock permit holder.**

3. **No person shall secure a vessel to or enter upon a private permitted boat dock on the waters of this state unless authorized to do so by the boat dock permit holder. The provisions of this subsection shall not apply during inclement weather conditions or other emergencies, or actions taken to prevent an unsecured vessel from becoming a navigational hazard.**

4. Any person who violates [subsection 1 of] this section is guilty [upon the first conviction of a class C misdemeanor and upon the second and any subsequent conviction of a class B misdemeanor] **of an infraction.**

307.380. ACCIDENTS, REINSPECTION REQUIRED, WHEN — CERTAIN SALES EXEMPT FROM INSPECTION REQUIREMENT — VIOLATION, PENALTY. — 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller's expense every **used motor** vehicle of the type required to be inspected by section 307.350[, whether new or used.] shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new certificate of inspection and approval, sticker, seal or other device shall be obtained.

2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding, shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

650.125. CITATION OF LAW — COMMISSION ESTABLISHED, PURPOSE, MEMBERS, QUALIFICATIONS, MEETINGS — DUTIES — ANNUAL REPORT. — 1. **The provisions of this section shall be known and may be cited as the "Missouri Cybersecurity Act".**

2. **There is hereby established within the department of public safety the "Missouri Cybersecurity Commission". The commission shall have as its purpose identifying risk to and**

vulnerability of the state and critical infrastructure with regard to cyber attacks of any nature from within or outside the United States and advising the governor on such matters. The commission shall consist of the following members:

- (1) Eight members to be appointed by the governor, one from each congressional district, with four members from each party;
- (2) The state chief information officer as designated by the governor and commissioner of the office of administration;
- (3) One representative of the Missouri state highway patrol, ex officio;
- (4) One representative of the state emergency management agency, ex officio; and
- (5) One representative of the Missouri national guard, ex officio.

No more than five of the nine members appointed by the governor shall be of the same political party. To be eligible for appointment by the governor, a person shall have demonstrated expertise in cybersecurity or experience in a field that directly correlates to a need of the state relating to cyber defense. The membership of the commission shall reflect both private sector and public sector expertise and experience in cybersecurity. Appointed members of the commission shall serve three-year terms, except that of the initial appointments made by the governor, three shall be for one-year terms, three shall be for two-year terms, and three shall be for three-year terms. No appointed member of the commission shall serve more than six years total. Any vacancy on the commission shall be filled in the same manner as the original appointment.

3. The members of the commission shall serve without compensation, but shall be reimbursed for the actual and necessary expenses incurred in the discharge of the members' official duties.

4. A chair of the commission shall be selected by the members of the commission.

5. The department of public safety shall furnish administrative support and staff for the effective operation of the commission.

6. The commission shall meet at least quarterly and at such other times as the chair deems necessary.

7. The commission shall be funded by an appropriation limited to that purpose. Any expenditure constituting more than ten percent of the commission's annual appropriation shall be based on a competitive bid process.

8. The commission shall:

- (1) Advise the governor on the state of cybersecurity in the state of Missouri;
- (2) Solicit data from state agencies, political subdivisions of the state, public institutions of higher education, and public schools relating to cybersecurity;
- (3) Make recommendations to reduce the state's risk of cyber attack and to identify best practices for the state to work offensively against cyber threats.

9. State agencies, public institutions of higher education, and public schools shall provide any data requested by the commission under this section unless such information is protected from disclosure under chapter 610 or is required to be kept confidential under a code of ethics from a profession licensed in the state. The provisions of this section shall not be construed to compel private sector organizations to provide information or data to the commission.

10. The commission shall prepare and present an annual report to the governor by December thirty-first of each year. Any content from the report protected under section 610.021, including any cybersecurity vulnerabilities identified by the commission, shall be held confidential.

Approved July 14, 2021

SS#2 SCS SB 51 & 42

Enacts provisions relating to civil actions.

AN ACT to amend chapter 537, RSMo, by adding thereto six new sections relating to civil actions.

SECTION

- A Enacting clause.
- 537.1000 Definitions.
- 537.1005 COVID-19 exposure, immunity from liability, when — assumption of risk, signage — no third-party liability, exceptions.
- 537.1010 Health care providers, immunity from liability, exceptions.
- 537.1015 Covered products, no COVID-19 products liability, when — evidence required for liability — inapplicability, when.
- 537.1020 Punitive damages, when.
- 537.1035 Expiration date — cause of action for COVID-19 exposure, health care services, or covered products created — statute of limitations.

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

SECTION A. ENACTING CLAUSE. — Chapter 537, RSMo, is amended by adding thereto six new sections, to be known as sections 537.1000, 537.1005, 537.1010, 537.1015, 537.1020, and 537.1035, to read as follows:

537.1000. DEFINITIONS. — As used in sections 537.1000 to 537.1035, the following terms mean:

- (1) "Businesses, services, activities, or accommodations", any act by an individual or entity, irrespective of whether the act is carried on for profit;
- (2) "Covered product", a pandemic or epidemic product, drug, biological product, device, or an individual component thereof to combat COVID-19, excluding any vaccine or gene therapy;
- (3) "COVID-19", any disease, health condition, or threat of harm caused by the severe acute respiratory syndrome coronavirus 2 or a virus mutating therefrom;
- (4) "COVID-19 exposure action", a civil action:
 - (a) Brought by a person who suffered personal injury or a representative of a person who suffered personal injury;
 - (b) Brought against an individual or entity engaged in businesses, services, activities, or accommodations; and
 - (c) Alleging that an actual, alleged, feared, or potential for exposure to COVID-19 caused the personal injury or risk of personal injury that occurred in the course of the businesses, services, activities, or accommodations of the individual or entity;
- (5) "COVID-19 medical liability action", a civil action:
 - (a) Brought by a person who suffered personal injury, or a representative of a person who suffered personal injury;
 - (b) Brought against a health care provider; and
 - (c) Alleging any harm, damage, breach, or tort resulting in the personal injury alleged to have been caused by, arising out of, or related to a health care provider's act or omission in the course of arranging for or providing COVID-19 related health care services if such health care provider's decisions or activities with respect to such person are impacted as a result of COVID-19;

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

- (6) "COVID-19 products liability action", a civil action:
- (a) Brought by a person who suffered personal injury or a representative of a person who suffered personal injury;
 - (b) Brought against an individual or entity engaged in the design, manufacturing, importing, distribution, labeling, packaging, lease, sale, or donation of a covered product; and
 - (c) Alleging any harm, damage, breach, or tort resulting in the personal injury alleged to have been caused by, arising out of, or related to the design, manufacture, importation, distribution, labeling, packaging, lease, sale, or donation of a covered product;
- (7) "COVID-19 related action", a COVID-19 exposure action, a COVID-19 medical liability action, or a COVID-19 products liability action;
- (8) "COVID-19 related health care services", any act or omission by a health care provider, regardless of the location, that relates to:
- (a) The diagnosis, prevention, or treatment of COVID-19;
 - (b) The assessment or care of an individual with a confirmed or suspected case of COVID-19; or
 - (c) The care of any individual who is admitted to, presents to, receives services from, or resides at, a health care provider for any purpose if such health care provider's decisions or activities with respect to such individual are impacted as a result of COVID-19;
- (9) "Employer", any person serving as an employer or acting directly in the interest of an employer in relation to an employee. The term "employer" shall include a public entity, but shall not include any labor organization, other than when acting as an employer, or any person acting in the capacity of officer or agent of such labor organization;
- (10) "Harm":
- (a) Physical and nonphysical contact that results in personal injury to an individual; and
 - (b) Economic and noneconomic losses;
- (11) "Health care provider", any physician, hospital, health maintenance organization, ambulatory surgical center, long-term care facility including those licensed under chapter 198, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician-in-training, any person authorized to practice consumer directed services, personal care assistance services, or home-based care, any person providing behavioral or mental health services, any person or entity that provides health care services pursuant to a license or certificate, and the respective employers or agents of any such person or entity providing health care services, and any person, health care system, or other entity that takes measures to coordinate, arrange for, provide, verify, respond to, or address issues related to the delivery of health care services;
- (12) "Individual or entity":
- (a) Any natural person, employee, public employee, employer, corporation, company, trade, business, firm, partnership, joint stock company, educational institution, labor organization, or similar organization or group of organizations;
 - (b) Any nonprofit organization, foundation, society, or association organized for religious, charitable, educational, or other purposes; or
 - (c) State or local government;
- (13) "Local government", any county, city, town, village, or other political subdivision of this state, including any school district or charter school as well as the bi-state authority created in chapter 70;
- (14) "Personal injury", actual or potential physical injury to an individual or death caused by a physical injury and includes mental suffering, emotional distress, or similar injuries suffered by an individual in connection with a physical injury;
- (15) "Recklessness", a conscious, voluntary act or omission in reckless disregard of:

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

- (a) A legal duty; and
- (b) The consequences to another party;
- (16) "Religious organization", any church, synagogue, mosque, or any entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code;
- (17) "Willful misconduct", an act or omission that is taken:
 - (a) Intentionally to achieve a wrongful purpose; or
 - (b) In disregard of a known or obvious risk that is so great as to make it highly probable that the harm will outweigh the benefit.

537.1005. COVID-19 EXPOSURE, IMMUNITY FROM LIABILITY, WHEN — ASSUMPTION OF RISK, SIGNAGE — NO THIRD-PARTY LIABILITY, EXCEPTIONS. — 1. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in this section, no individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any COVID-19 exposure action unless the plaintiff can prove by clear and convincing evidence that:

- (1) The individual or entity engaged in recklessness or willful misconduct that caused an actual exposure to COVID-19; and
 - (2) The actual exposure to COVID-19 caused the personal injury of the plaintiff.
2. No religious organization shall be liable in any COVID-19 exposure action unless the plaintiff can prove intentional misconduct.
3. There shall be a rebuttable presumption of an assumption of risk by a plaintiff in a COVID-19 exposure action when an individual or entity posts or maintains signs or provides written notice which contains the warning notice specified in this subsection. If a sign is posted or maintained, the sign shall be placed in a clearly visible location at the entrance of the business, service, activity, or accommodation. The sign or written notice described in this subsection shall contain the following warning notice in a substantially similar form:

"WARNING

Under Missouri law, any individual entering the premises or engaging the services of the business waives all civil liability against the individual or entity for any damages based on inherent risks associated with an exposure or potential exposure to COVID-19, except for recklessness or willful misconduct."

No religious organization shall be required to post or maintain a sign or provide written notice containing the warning notice specified in this subsection.

4. Adoption of or changes to policies, practices, or procedures of an individual or entity in order to address or mitigate the spread of COVID-19 after the time of the actual, alleged, feared, or potential for exposure to COVID-19, shall not be considered evidence of liability or culpability.

5. Nothing in this section shall require an individual or entity to establish a written or published policy addressing the spread of COVID-19, including any policy requiring or mandating a vaccination or requiring proof of vaccination.

6. No individual or entity shall be held liable in a COVID-19 exposure action for the acts or omissions of a third party, unless:

- (1) The individual or entity had an obligation under general common law principles to control the acts or omissions of the third party; or
- (2) The third party was an agent of the individual or entity.

537.1010. HEALTH CARE PROVIDERS, IMMUNITY FROM LIABILITY, EXCEPTIONS. — 1. Notwithstanding any other provision of law to the contrary, and except as provided in subsection

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

2 of this section, no health care provider shall be liable in a COVID-19 medical liability action unless the plaintiff can prove:

- (1) Recklessness or willful misconduct by the health care provider; and
 - (2) That the alleged harm, damage, breach, or tort resulting in the personal injury was caused by the alleged recklessness or willful misconduct.
2. For purposes of this section, an elective procedure that is delayed with good cause shall not be considered recklessness or willful misconduct.

537.1015. COVERED PRODUCTS, NO COVID-19 PRODUCTS LIABILITY, WHEN — EVIDENCE REQUIRED FOR LIABILITY — INAPPLICABILITY, WHEN. — 1. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in this section, no individual or entity who designs, manufactures, imports, distributes, labels, packages, leases, sells, or donates a covered product shall be liable in a COVID-19 products liability action if the individual or entity:

- (1) Does not make the covered product in the ordinary course of business;
- (2) Does make the covered product in the ordinary course of business, however the emergency due to COVID-19 requires the covered product to be made in a modified manufacturing process that is outside the ordinary course of business; or
- (3) Does make the covered product in the ordinary course of business and use of the covered product is different than its recommended purpose and used in response to the emergency due to COVID-19.

2. For a plaintiff to prevail in a COVID-19 products liability action over the use or misuse of a covered product, the plaintiff shall prove by clear and convincing evidence:

- (1) Recklessness or willful misconduct by the individual or entity; and
- (2) That the alleged harm, damage, breach, or tort resulting in the personal injury was caused by the alleged recklessness or willful misconduct.

3. The provisions of this section shall not apply to any fraud in connection with the advertisement of any covered product.

4. The provisions of this section shall apply to any claim for damages that has a causal relationship with the administration to or use by an individual of a covered product, including a causal relationship with the design, development, clinical testing or investigation, manufacture, labeling, distribution, formulation, packaging, marketing, promotion, sale, purchase, lease, donation, dispensing, prescribing, administration, licensing, or use of such covered product.

5. The provisions of this section shall apply only if the covered product was administered or used for the treatment of or protection against COVID-19.

6. The provisions of this section shall apply to a covered product regardless of whether such covered product is obtained by donation, commercial sale, or any other means of distribution by or in partnership with federal, state, or local public health officials or the private sector.

537.1020. PUNITIVE DAMAGES, WHEN. — In any COVID-19 related action, punitive damages:

- (1) May be awarded in accordance with sections 510.261 to 510.265 and subsection 8 of section 538.210; and
- (2) Shall not exceed an amount in excess of nine times the amount of compensatory damages awarded.

537.1035. EXPIRATION DATE — CAUSE OF ACTION FOR COVID-19 EXPOSURE, HEALTH CARE SERVICES, OR COVERED PRODUCTS CREATED — STATUTE OF LIMITATIONS. — 1. The provisions of sections 537.1000 to 537.1035 shall expire four years after the effective date of this act.

2. Except as otherwise explicitly provided for in the provisions of sections 537.1000 to 537.1035, nothing in sections 537.1000 to 537.1035 expands any liability otherwise imposed or limits any defense otherwise available.

3. A statutory cause of action for damages arising out of an actual, feared, or potential for exposure to COVID-19, an act or omission by a health care provider in the course of arranging for or providing COVID-19 related health care services, or the design, manufacturing, importing, distribution, labeling, packaging, lease, sale, or donation of a covered product is hereby created in sections 537.1000 to 537.1035, replacing any such common law cause of action and, except as described in subdivisions (1) to (10) of this subsection, sections 537.1000 to 537.1035 preempts and supersedes any state law, including statutes, regulations, rules, or standards that are enacted, promulgated, or established under common law, related to the recovery for personal injuries caused by actual, alleged, feared, or potential for exposure to COVID-19, personal injuries caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging for or providing COVID-19 related health care services, or personal injuries caused by the design, manufacturing, importing, distribution, labeling, packaging, lease, sale, or donation of a covered product.

(1) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law that imposes stricter limits on damages or liabilities for personal injury or otherwise affords greater protection to defendants in any COVID-19 related action, than are provided in sections 537.1000 to 537.1035. Any such provision of law shall be applied in addition to the requirements of sections 537.1000 to 537.1035 and not in lieu thereof.

(2) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of chapters 213, 285, and 287.

(3) Nothing in sections 537.1000 to 537.1035 shall be construed to impair, limit, or affect the authority of the state or local government to bring any criminal, civil, or administrative enforcement action against any individual or entity.

(4) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law that creates a cause of action for intentional discrimination on the basis of race, color, national origin, religion, sex including pregnancy, disability, genetic information, or age.

(5) Nothing in sections 537.1000 to 537.1035 shall be construed to require or mandate a vaccination or affect the applicability of any provision of law that creates a cause of action for a vaccine-related personal injury.

(6) Nothing in sections 537.1000 to 537.1035 shall prohibit an individual or entity from instituting a cause of action regarding an order issued by the state or a local government that requires an individual or entity engaged in businesses, services, activities, or accommodations to temporarily or permanently cease operation of such businesses, services, activities, or accommodations.

(7) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law providing for a cause of action for breach of a contract insuring against business interruption or for any action brought pursuant to section 375.296, alleging that an insurer has failed or refused to pay a contract insuring against business interruption. In any such cause of action, an insurer shall be entitled to raise all affirmative defenses to which it is entitled.

(8) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law providing for a cause of action alleging price gouging, noneducational related canceled events, or payment of membership fees.

(9) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law providing for a cause of action for breach of a contract against an educational institution for the refund of tuition or costs.

(10) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of chapters 441, 534, and 535 relating to residential property.

4. A COVID-19 exposure action shall not be commenced in any court of this state later than two years after the date of the actual, alleged, feared, or potential for exposure to COVID-19.

5. A COVID-19 medical liability action shall not be commenced in any court of this state later than one year after the date of the discovery of the alleged harm, damage, breach, or tort unless tolled for proof of fraud, intentional concealment, or the presence of a foreign body which has no therapeutic or diagnostic purpose or effect in the person of the injured person.

6. A COVID-19 products liability action shall not be commenced in any court of this state later than two years after the date of the alleged harm, damage, breach, or tort unless tolled for proof of fraud or intentional concealment.

Approved July 7, 2021

CCS HCS SS SCS SB 53 & 60

Enacts provisions relating to public safety, with penalty provisions, a delayed effective date for certain sections, and an emergency clause for certain sections.

AN ACT to repeal sections 27.010, 50.327, 56.380, 56.455, 57.280, 57.317, 84.400, 105.950, 149.071, 149.076, 191.677, 191.1165, 192.2520, 197.135, 211.181, 211.211, 211.435, 211.438, 211.439, 214.392, 217.010, 217.030, 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 221.105, 304.022, 304.050, 307.175, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 488.029, 545.940, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030, 575.155, 575.157, 575.180, 575.205, 575.206, 589.042, 590.030, 590.070, 610.120, 610.122, 610.140, 650.055, and 650.058, RSMo, and to enact in lieu thereof one hundred one new sections relating to public safety, with penalty provisions, a delayed effective date for certain sections, and an emergency clause for certain sections.

SECTION

- A Enacting clause.
- 27.010 Attorney general, election, term of office, begins when — compensation.
- 50.327 Base salary schedules for county officials — salary commission responsible for computation of county official salaries, except for charter counties — salary increases, when.
- 56.380 Not to accept fee or reward, except salary, courts of criminal jurisdiction (cities of 700,000 or more) — penalty.
- 56.455 Circuit attorney to report on felons (St. Louis City).
- 57.280 Sheriff to receive charge, civil cases — service of process, fee.
- 57.317 Compensation of sheriff — training program, attendance required, when, expenses, compensation (noncharter counties).
- 84.400 Police commissioners, members of force — forfeiture of office, when — service on boards, commissions, or task forces permitted, when.

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

- 84.575 Residency requirements — prohibited and authorized.
- 105.950 Compensation of certain department heads.
- 149.071 Fraudulent activity relative to tax stamps a felony — penalty.
- 149.076 Failure to make or falsification of required return or refusal to permit inspection of records prohibited — false report or application a felony, penalty.
- 191.677 Serious infectious or communicable diseases, prohibited acts, criminal penalties — affirmative defense — use of pseudonym, when.
- 191.1165 Medication-assisted treatment — formulary medications and requirements — disclosure of MAT services provided — incarcerated persons and diversion program participants, assessment for substance use disorders.
- 192.2520 Citation of law — definitions — telehealth network for victims of sexual offenses, requirements — contracts — report, contents — fund established, use of moneys — rulemaking authority.
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- 211.012 Status as child determined by then-existing law at time of alleged offense for juvenile court jurisdiction and incarceration purposes.
- 211.072 Certification as an adult, placement in secure detention facility to continue transfer to adult jail, when, procedure — limitation on time in adult jail — requirements for pretrial-certified juveniles — per diem.
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- 217.030 Directors of divisions, appointment — appointment of general personnel.
- 217.195 Canteen to be established — inmate canteen fund established, purpose, moneys, how spent.
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- 217.270 Parole board to have access to offenders and records, when.
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- 217.455 Director of division of adult institutions to transmit information and request.
- 217.541 House arrest program, department to establish and regulate — limited release, when — arrest warrant may be issued by probation or parole officer, when — offenders to fund program.
- 217.650 Definitions.
- 217.655 Parole board, general duties — division duties.

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- 217.692 Eligibility for parole, offenders with life sentence, when — criteria — perjury, penalty.
- 217.695 Release from custody under supervision of division of probation and parole, registration with law enforcement officials required.
- 217.710 Firearms, authority to carry, department's duties, training — rulemaking procedure.
- 217.735 Lifetime supervision required for certain offenders — electronic monitoring — termination at age sixty-five permitted, when — rulemaking authority.
- 217.777 Community corrections program alternative for eligible offenders, purpose — operation — rules — guidelines.
- 217.829 Assets to be listed by prisoners on form under oath — failure to comply, effect — department to request assignments.
- 217.845 CARES Act moneys received by offender for COVID-19 to be used for restitution.
- 221.065 Feminine hygiene products, available at no cost to female persons in custody.
- 221.105 Boarding of prisoners — amount expended, how fixed, how paid, limit — reimbursement by state, when.
- 304.022 Emergency and stationary vehicles — use of lights and sirens — right-of-way — procedure — penalty.
- 304.050 School buses, drivers to stop for, when — signs required on buses — crossing control arm — bus driver responsibilities — driver identity rebuttable presumption, when (Jessica's Law).
- 307.175 Sirens and flashing lights, use of, when — permits — violation, penalty.
- 452.410 Custody, decree, modification of, when.
- 455.010 Definitions.
- 455.032 Protection order, restraining respondent from abuse if petitioner is permanently or temporarily in state — evidence admissible of prior abuse in or out of state.
- 455.040 Hearings, when — duration of orders, renewal, requirements — copies of orders to be given, validity — duties of law enforcement agency — information entered in MULES — objection, personally served.
- 455.045 Temporary relief available — ex parte orders.
- 455.050 Full or ex parte order of protection, abuse, stalking, or sexual assault, contents — relief available — court may order transfer billing responsibility of wireless telephone, when, procedure.
- 455.513 Ex parte orders, issued immediately, when — for good cause shown, defined — investigation by children's division, when — report due when, available to whom — transfer to juvenile court, when.
- 455.520 Temporary relief available — ex parte orders.
- 455.523 Full order of protection — relief available.
- 475.120 General powers and duties of guardian of the person — social service agency acting on behalf of ward, requirements — preneed funeral contract permitted, when.
- 479.162 Municipal ordinance violations, no charge or fee for police reports or other documents or videos, when.
- 488.016 Veterans, waiver of costs, when.
- 488.029 Surcharge for crime lab analysis of controlled substances, deposit of moneys in state forensic laboratory account.
- 491.016 Otherwise inadmissible witness statement admissible in criminal proceeding, when.

- 545.940 Defendant may be tested for various serious infectious or communicable diseases, when.
- 546.265 Criminal activity reporting to crime stoppers organization, privileged communication not subject to disclosure — in camera inspection permitted, when.
- 547.031 Information of innocence of convicted person — prosecuting or circuit attorney may file to vacate or set aside judgment — procedure.
- 549.500 Documents of board or division to be privileged — exceptions — inspection.
- 557.051 Program for perpetrators of sexual offenses, participation required, when — restrictions for persons providing assessments and reports, penalty for violation, exception.
- 558.011 Sentence of imprisonment, terms — conditional release.
- 558.026 Concurrent and consecutive terms of imprisonment.
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- 558.046 Reduction of term of sentence, conditions.
- 559.026 Detention condition of probation.
- 559.105 Restitution may be ordered, when — limitation on release from probation — amount of restitution.
- 559.106 Lifetime supervision of certain sexual offenders — electronic monitoring — termination at age sixty-five permitted, when.
- 559.115 Appeals, probation not to be granted, when — probation granted after delivery to department of corrections, time limitation, assessment — one hundred twenty day program — notification to state, when, hearing — no probation in certain cases.
- 559.120 Probation may be granted, when — community-based treatment program participation, when.
- 559.125 Record of applications for probation or parole to be kept — information to be privileged — exceptions.
- 559.600 Misdemeanor probation may be provided by contract with private entities, not to exclude board of probation and parole — drug testing — travel limits.
- 559.602 Private entities to make application to circuit court to provide misdemeanor probation — contract content — procedure — withdrawal of board, when.
- 559.607 Municipal ordinance violations, probation may be contracted for by municipal courts, procedure — cost to be paid by offenders, exceptions.
- 565.058 Special victims — confidentiality of address or place of residence — use of initials in petition.
- 565.240 Unlawful posting of certain information over the internet, offense of — violation, penalty.
- 566.145 Sexual conduct in the course of public duty, offense of — definitions — violation, penalty — consent not a defense.
- 571.030 Unlawful use of weapons, offense of — exceptions — violation, penalties.
- 574.110 Using a laser pointer, offense of — violation, penalty.
- 574.203 Interference with a health care facility, offense of — workplace violence, hospital duties — violation, penalty.
- 575.155 Endangering a corrections employee, offense of — definitions — violation, penalties.
- 575.157 Endangering a mental health employee, visitor, or another offender, offense of — definitions — violation, penalties.
- 575.180 Failure to execute an arrest warrant, offense of — violation, penalties — affirmative defense.
- 575.205 Tampering with electronic monitoring equipment, offense of — violation, penalty.
- 575.206 Violating a condition of lifetime supervision, offense of — violation, penalty.

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- 589.042 Access to personal home computer, authority to require registered sexual offenders to provide as condition of probation.
- 590.030 Basic training, minimum standards established — age, citizenship and education requirements established by director — issuance of a license — federal Rap Back program, agencies to enroll.
- 590.070 Commissioning and departure of peace officers, director to be notified — immunity from liability, chief executive officer, when.
- 590.075 Candidates for commissioning, chief executive officer to request copy of notifications under 590.070 — certified copy prior to commissioning.
- 590.192 Critical incident stress management program, purpose — services to be provided — requirements — confidentiality of information — fund created, use of moneys.
- 590.805 Respiratory choke-hold, limitation on use of.
- 590.1265 Citation of law — definitions — use-of for incidents reporting, standards and procedures — publication of report data — analysis report.
- 610.120 Records to be confidential — accessible to whom, purposes.
- 610.122 Arrest record expunged, requirements.
- 610.140 Expungement of certain criminal records, petition, contents, procedure — effect of expungement on employer inquiry — lifetime limits.
- 650.055 Biological samples collected, certain felony offenses, when — use of sample — highway patrol and department of corrections, duty — DNA records and biological materials to be closed record, disclosure, when — expungement of record, when.
- 650.058 Individuals who are actually innocent may receive restitution, amount, petition, definition, limitations and requirements — guilt confirmed by DNA testing, procedures — petitions for restitution — order of expungement.
- 211.438 Contingency - expansion of services to eighteen years of age not effective until sufficient appropriations.
- 211.439 Effective date.
- 217.660 Chairman of the board to be director — additional compensation.
- B Effective date for certain sections.
- C Emergency clause for certain sections.

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

SECTION A. ENACTING CLAUSE.— Sections 27.010, 50.327, 56.380, 56.455, 57.280, 57.317, 84.400, 105.950, 149.071, 149.076, 191.677, 191.1165, 192.2520, 197.135, 211.181, 211.211, 211.435, 211.438, 211.439, 214.392, 217.010, 217.030, 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 221.105, 304.022, 304.050, 307.175, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 488.029, 545.940, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030, 575.155, 575.157, 575.180, 575.205, 575.206, 589.042, 590.030, 590.070, 610.120, 610.122, 610.140, 650.055, and 650.058, RSMo, are repealed and one hundred one new sections enacted in lieu thereof, to be known as sections 27.010, 50.327, 56.380, 56.455, 57.280, 57.317, 84.400, 84.575, 105.950, 149.071, 149.076, 191.677, 191.1165, 192.2520, 197.135, 211.012, 211.072, 211.181, 211.211, 211.435, 214.392, 217.010, 217.030, 217.195, 217.199, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 217.845, 221.065, 221.105, 304.022, 304.050, 307.175, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 479.162, 488.016, 488.029, 491.016, 545.940, 546.265, 547.031, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026

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559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.058, 565.240, 566.145, 571.030, 574.110, 574.203, 575.155, 575.157, 575.180, 575.205, 575.206, 589.042, 590.030, 590.070, 590.075, 590.192, 590.805, 590.1265, 610.120, 610.122, 610.140, 650.055, and 650.058, to read as follows:

27.010. ATTORNEY GENERAL, ELECTION, TERM OF OFFICE, BEGINS WHEN — COMPENSATION. — The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his **or her** term shall begin at 12:00 noon on the second Monday in January next succeeding his **or her** election, and shall continue for four years, or until his **or her** successor is elected and qualified. The attorney general shall [reside at the seat of government and] keep his **or her** office in the supreme court building, and receive an annual salary of sixty-five thousand dollars plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall constitute the total compensation for all duties to be performed by him **or her** and there shall be no further payments made to or accepted by him **or her** for the performance of any duty now required of him **or her** under any existing law. The attorney general shall devote his **or her** full time to [his] **the** office, and, except in the performance of his **or her** official duties, shall not engage in the practice of law.

50.327. BASE SALARY SCHEDULES FOR COUNTY OFFICIALS — SALARY COMMISSION RESPONSIBLE FOR COMPUTATION OF COUNTY OFFICIAL SALARIES, EXCEPT FOR CHARTER COUNTIES — SALARY INCREASES, WHEN. — 1. Notwithstanding any other provisions of law to the contrary, the salary schedules contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, [57.317,] 58.095, and 473.742 shall be set as a base schedule for those county officials. Except when it is necessary to increase newly elected or reelected county officials' salaries, in accordance with Section 13, Article VII, Constitution of Missouri, to comply with the requirements of this section, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.

2. Upon majority approval of the salary commission, the annual compensation of part-time prosecutors contained in section 56.265 and the county offices contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742 may be increased by up to two thousand dollars greater than the compensation provided by the salary schedules; provided, however, that any vote to increase compensation be effective for all county offices in that county **subject to the salary commission.**

[3. Upon majority approval of the salary commission, the annual compensation of a county sheriff as provided in section 57.317 may be increased by up to six thousand dollars greater than the compensation provided by the salary schedule of such section.

4. The salary commission of any county of the third classification may amend the base schedules for the computation of salaries for county officials referenced in subsection 1 of this section to include assessed valuation factors in excess of three hundred million dollars; provided that the percentage of any adjustments in assessed valuation factors shall be equal for all such officials in that county.]

56.380. NOT TO ACCEPT FEE OR REWARD, EXCEPT SALARY, COURTS OF CRIMINAL JURISDICTION (CITIES OF 700,000 OR MORE) — PENALTY. — It is unlawful for the circuit attorneys or the assistant circuit attorneys of the courts of this state having jurisdiction of criminals within cities in this state having a population of seven hundred thousand inhabitants or more to contract for, directly or indirectly, or to accept, receive or take any fee, reward, promise or undertaking, or gift or valuable thing of any kind whatsoever, except the salary of his **or her** office prescribed by law, for aiding,

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advising, promoting or procuring any indictment, true bill or legal process of any kind whatsoever against any person or party, or for aiding, promoting, counseling or procuring the detection, discovery, apprehension, prosecution or conviction of any person upon any charge whatsoever, or for aiding, advising or counseling of or concerning, or for procuring, promoting or effecting the discovery or recovery, by any means whatever, of any valuable thing which is secreted or detained from the possession of the owner or lawful custodian thereof. Any officer who is convicted of the violation of any of the provisions of this section shall be punished by imprisonment by the state department of corrections [and human resources] for not more than seven years and in addition shall forfeit his **or her** office.

56.455. CIRCUIT ATTORNEY TO REPORT ON FELONS (ST. LOUIS CITY).— In addition to his **or her** other duties, the circuit attorney of the City of St. Louis shall make a detailed report of all information in his **or her** possession pertaining to each person committed to the state penitentiary by the circuit court of the City of St. Louis to the director of the state department of corrections [and human resources] and to the state [board of probation and] parole **board**. The report shall include such information as may be requested by such director or board and shall include a summary of such evidence as to the prior convictions of the convict, his **or her** mental condition, education and other personal background information which is available to the circuit attorney as well as the date of the crime for which the convict was sentenced, whether he **or she** was tried or pleaded guilty, and such facts as are available as to the aggravating or mitigating circumstances of the crime. The circuit attorney may include in the report his **or her** recommendation as to whether the convict should be kept in a maximum security institution. The report shall be transmitted within twenty days after the date of the conviction or at such other time as is prescribed by the director of the department of corrections [and human resources] or [board of probation and] parole **board**.

57.280. SHERIFF TO RECEIVE CHARGE, CIVIL CASES — SERVICE OF PROCESS, FEE. — 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ,

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execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff, or any other person specially appointed to serve in a county that receives funds under section 57.278, shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff, or any other person specially appointed to serve in a county that receives funds under section 57.278, under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

5. Sheriffs shall receive up to fifty dollars for service of any summons, writ, or other order of the court in connection with any eviction proceeding, in addition to the charge for such service that each sheriff receives under this section. All of such charges shall be received by the sheriff who is requested to perform the service and shall be paid to the county treasurer in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. All charges shall be payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge.

57.317. COMPENSATION OF SHERIFF — TRAINING PROGRAM, ATTENDANCE REQUIRED, WHEN, EXPENSES, COMPENSATION (NONCHARTER COUNTIES). — 1. (1) The county sheriff in any county], other than in a] of the first or second classification [chartered county,] shall receive an annual salary **equal to eighty percent of the compensation of an associate circuit judge of the county.**

(2) **The county sheriff in any county of the third or fourth classification shall receive an annual salary computed as [set forth in] the following [schedule] percentages of the compensation of an associate circuit judge of the county. If there is an increase in salary of less than ten thousand dollars, the increase shall take effect on January 1, 2022. If there is an increase of ten thousand dollars or more, the increase shall be paid over a period of five years in twenty percent increments per year.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of sheriff [on January 1, 1997] **from the prior year.**

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Assessed Valuation	[Salary] Percentage
\$18,000,000 to [40,999,999	\$36,000
41,000,000 to 53,999,999	37,000
54,000,000 to 65,999,999	38,000
66,000,000 to 85,999,999	39,000
86,000,000 to] 99,999,999	[40,000] 45%
100,000,000 to [130,999,999	42,000
131,000,000 to 159,999,999	44,000
160,000,000 to 189,999,999	45,000
190,000,000 to] 249,999,999	[46,000] 50%
250,000,000 to [299,999,999	48,000
300,000,000 to] 449,999,999	[50,000] 55%
450,000,000 to [599,999,999	52,000
600,000,000 to 749,999,999	54,000
750,000,000 to] 899,999,999	[56,000] 60%
900,000,000 [to 1,049,999,999	58,000
1,050,000,000 to 1,199,999,999	60,000
1,200,000,000 to 1,349,999,999	62,000
1,350,000,000] and over	[64,000] 65%

2. Two thousand dollars of the salary authorized in this section shall be payable to the sheriff only if the sheriff has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the sheriff's office when approved by a professional association of the county sheriffs of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each sheriff who completes the training program and shall send a list of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county sheriff in the same manner as other expenses as may be appropriated for that purpose.

3. The county sheriff in any county[,] other than a [first classification] charter county[,] shall not[, except upon two-thirds vote of all the members of the salary commission,] receive an annual compensation less than the [total] compensation [being received for the office of county sheriff in the particular county for services rendered or performed on the date the salary commission votes] **described under this section.**

84.400. POLICE COMMISSIONERS, MEMBERS OF FORCE — FORFEITURE OF OFFICE, WHEN — SERVICE ON BOARDS, COMMISSIONS, OR TASK FORCES PERMITTED, WHEN. — 1. Any one of said commissioners so appointed or any member of any such police force who, during the term of his office, shall accept any other place of public trust, or emolument, or who shall knowingly receive any nomination for an office elective by the people, and shall fail to decline such nomination publicly within the five days succeeding such nomination or shall become a candidate for the nomination for any

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office at the hands of any political party, shall be deemed to have thereby forfeited and vacated office as such commissioner or member of such police force.

2. Notwithstanding any provisions of law to the contrary, a member of the board or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member or member of such police force may accept payment of a per diem for attending meetings, or if no per diem is provided, reimbursement from such board, commission, or task force for reasonable and necessary expenses for attending such meetings.

84.575. RESIDENCY REQUIREMENTS — PROHIBITED AND AUTHORIZED. — 1. The board of police commissioners established by section 84.350 shall not require, as a condition of employment, that any currently employed or prospective law enforcement officer or other employee reside within any jurisdictional limit. If the board of police commissioners has a residency rule or requirement for law enforcement officers or other employees that is in effect on or before August 28, 2021, the residency rule or requirement shall not apply and shall not be enforced.

2. The board of police commissioners may impose a residency rule or requirement on law enforcement officers or other employees, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within thirty miles from the nearest city limit and within the boundaries of the state of Missouri.

105.950. COMPENSATION OF CERTAIN DEPARTMENT HEADS. — 1. Until June 30, 2000, the commissioner of administration and the directors of the departments of revenue, social services, agriculture, economic development, corrections, labor and industrial relations, natural resources, and public safety shall continue to receive the salaries they received on August 27, 1999, subject to annual adjustments as provided in section 105.005.

2. On and after July 1, 2000, the salary of the directors of the above departments shall be set by the governor within the limits of the salary ranges established pursuant to this section and the appropriation for that purpose. Salary ranges for department directors and members of the [board of probation and] parole **board shall be set by the personnel advisory board after considering the results of a study periodically performed or administered by the office of administration. Such salary ranges shall be published yearly in an appendix to the revised statutes of Missouri.**

3. Each of the above salaries shall be increased by any salary adjustment provided pursuant to the provisions of section 105.005.

149.071. FRAUDULENT ACTIVITY RELATIVE TO TAX STAMPS A FELONY — PENALTY. — Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimiles or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections [and human resources] for a term of not less than two years nor more than five years.

149.076. FAILURE TO MAKE OR FALSIFICATION OF REQUIRED RETURN OR REFUSAL TO PERMIT INSPECTION OF RECORDS PROHIBITED — FALSE REPORT OR APPLICATION A FELONY,

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PENALTY. — 1. No manufacturer, wholesaler or retailer shall fail or refuse to make any return required by the director, or refuse to permit the director or his **or her** duly authorized representatives to examine records, papers, files and equipment pertaining to the person's business made taxable by this chapter. No person shall make an incomplete, false or fraudulent return under this chapter, or attempt to do anything to evade full disclosure of the facts or to avoid the payment in whole or in part of the tax or interest due.

2. Any person who files a false report or application or makes a false entry in any record relating to the purchase and sale of cigarettes shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections [and human resources] for a term of not less than two years nor more than five years.

191.677. SERIOUS INFECTIOUS OR COMMUNICABLE DISEASES, PROHIBITED ACTS, CRIMINAL PENALTIES — AFFIRMATIVE DEFENSE — USE OF PSEUDONYM, WHEN. — 1. **For purposes of this section, the term "serious infectious or communicable disease" means a nonairborne disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of lifelong treatment and management.**

2. It shall be unlawful for any individual knowingly infected with [HIV] **a serious infectious or communicable disease** to:

(1) Be or attempt to be a blood, blood products, organ, sperm, or tissue donor except as deemed necessary for medical research **or as deemed medically appropriate by a licensed physician;**

(2) [Act in a reckless manner by exposing] **Knowingly expose** another person to [HIV without the knowledge and consent of that person to be exposed to HIV, in one of the following manners:

(a) Through contact with blood, semen or vaginal secretions in the course of oral, anal or vaginal sexual intercourse; or

(b) By the sharing of needles; or

(c) By biting another person or purposely acting in any other manner which causes the HIV-infected person's semen, vaginal secretions, or blood to come into contact with the mucous membranes or nonintact skin of another person.

Evidence that a person has acted recklessly in creating a risk of infecting another individual with HIV shall include, but is not limited to, the following:

a. The HIV-infected person knew of such infection before engaging in sexual activity with another person, sharing needles with another person, biting another person, or purposely causing his or her semen, vaginal secretions, or blood to come into contact with the mucous membranes or nonintact skin of another person, and such other person is unaware of the HIV-infected person's condition or does not consent to contact with blood, semen or vaginal fluid in the course of such activities;

b. The HIV-infected person has subsequently been infected with and tested positive to primary and secondary syphilis, or gonorrhea, or chlamydia; or

c. Another person provides evidence of sexual contact with the HIV-infected person after a diagnosis of an HIV status] **such serious infectious or communicable disease through an activity that creates a substantial risk of disease transmission as determined by competent medical or epidemiological evidence; or**

(3) Act in a reckless manner by exposing another person to such serious infectious or communicable disease through an activity that creates a substantial risk of disease transmission as determined by competent medical or epidemiological evidence.

[2.] **3. (1)** Violation of the provisions of subdivision (1) or (2) of subsection [1] **2** of this section is a class [B] **D** felony unless the victim contracts [HIV] **the serious infectious or communicable disease** from the contact, in which case it is a class [A] **C** felony.

[3. The department of health and senior services or local law enforcement agency, victim or others may file a complaint with the prosecuting attorney or circuit attorney of a court of competent jurisdiction alleging that a person has violated a provision of subsection 1 of this section. The department of health and senior services shall assist the prosecutor or circuit attorney in preparing such case, and upon request, turn over to peace officers, police officers, the prosecuting attorney or circuit attorney, or the attorney general records concerning that person's HIV-infected status, testing information, counseling received, and the identity and available contact information for individuals with whom that person had sexual intercourse or deviate sexual intercourse and those individuals' test results.

4. The use of condoms is not a defense to a violation of paragraph (a) of subdivision (2) of subsection 1 of this section.]

(2) Violation of the provisions of subdivision (3) of subsection 2 of this section is a class A misdemeanor.

4. It is an affirmative defense to a charge under this section if the person exposed to the serious infectious or communicable disease knew that the infected person was infected with the serious infectious or communicable disease at the time of the exposure and consented to the exposure with such knowledge.

5. (1) For purposes of this subsection, the term "identifying characteristics" includes, but is not limited to, the name or any part of the name, address or any part of the address, city or unincorporated area of residence, age, marital status, place of employment, or racial or ethnic background of the defendant or the person exposed, or the relationship between the defendant and the person exposed.

(2) When alleging a violation of this section, the prosecuting attorney or the grand jury shall substitute a pseudonym for the actual name of the person exposed to a serious infectious or communicable disease. The actual name and other identifying characteristics of the person exposed shall be revealed to the court only in camera unless the person exposed requests otherwise, and the court shall seal the information from further disclosure, except by counsel as part of discovery.

(3) Unless the person exposed requests otherwise, all court decisions, orders, pleadings, and other documents, including motions and papers filed by the parties, shall be worded so as to protect from public disclosure the name and other identifying characteristics of the person exposed.

(4) Unless the person exposed requests otherwise, a court in which a violation of this section is filed shall issue an order that prohibits counsel and their agents, law enforcement personnel, and court staff from making a public disclosure of the name or any other identifying characteristics of the person exposed.

(5) Unless the defendant requests otherwise, a court in which a violation of this section is filed shall issue an order that prohibits counsel and their agents, law enforcement personnel, and court staff, before a finding of guilt, from making a public disclosure of the name or other identifying characteristics of the defendant. In any public disclosure before a finding of guilt, a pseudonym shall be substituted for the actual name of the defendant.

(6) Before sentencing, a defendant shall be assessed for placement in one or more community-based programs that provide counseling, supervision, and education and that offer reasonable opportunity for the defendant to provide redress to the person exposed.

191.1165. MEDICATION-ASSISTED TREATMENT — FORMULARY MEDICATIONS AND REQUIREMENTS — DISCLOSURE OF MAT SERVICES PROVIDED — INCARCERATED PERSONS AND DIVERSION PROGRAM PARTICIPANTS, ASSESSMENT FOR SUBSTANCE USE DISORDERS. —

1. Medication-assisted treatment (MAT) shall include pharmacologic therapies. A formulary used by

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a health insurer or managed by a pharmacy benefits manager, or medical benefit coverage in the case of medications dispensed through an opioid treatment program, shall include:

- (1) Buprenorphine [tablets];
- (2) Methadone;
- (3) Naloxone;
- (4) [Extended-release injectable] Naltrexone, **including but not limited to extended-release injectable naltrexone**; and

- (5) Buprenorphine/naloxone combination.

2. All MAT medications required for compliance in this section shall be placed on the lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits manager.

3. MAT medications provided for in this section shall not be subject to any of the following:

- (1) Any annual or lifetime dollar limitations;
- (2) Financial requirements and quantitative treatment limitations that do not comply with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR 146.136(c)(3);

- (3) Step therapy or other similar drug utilization strategy or policy when it conflicts or interferes with a prescribed or recommended course of treatment from a licensed health care professional; and

- (4) Prior authorization for MAT medications as specified in this section.

4. MAT medications outlined in this section shall apply to all health insurance plans delivered in the state of Missouri.

5. Any entity that holds itself out as a treatment program or that applies for licensure by the state to provide clinical treatment services for substance use disorders shall be required to disclose the MAT services it provides, as well as which of its levels of care have been certified by an independent, national, or other organization that has competencies in the use of the applicable placement guidelines and level of care standards.

6. The MO HealthNet program shall cover the MAT medications and services provided for in this section and include those MAT medications in its preferred drug lists for the treatment of substance use disorders and prevention of overdose and death. The preferred drug list shall include all current and new formulations and medications that are approved by the U.S. Food and Drug Administration for the treatment of substance use disorders.

7. Subject to appropriations, the department of corrections and all other state entities responsible for the care of persons detained or incarcerated in jails or prisons shall be required to ensure all persons under their care are assessed for substance abuse disorders using standard diagnostic criteria by a social worker; licensed professional counselor; licensed psychologist; psychiatrist; or qualified addiction professional, as defined by the department of mental health, acting within the scope of practice for which the qualified addiction professional is credentialed. The department of corrections or state entity shall make available the MAT services covered in this section, consistent with a treatment plan developed by a physician, and shall not impose any arbitrary limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.

8. Drug courts or other diversion programs that provide for alternatives to jail or prison for persons with a substance use disorder shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a licensed physician who actively treats patients with substance use disorders. The court or other diversion program shall make available the MAT services covered under this section, consistent with a treatment plan developed by the physician, and shall not impose any limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.

[8.] **9.** Requirements under this section shall not be subject to a covered person's prior success or failure of the services provided.

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192.2520. CITATION OF LAW — DEFINITIONS — TELEHEALTH NETWORK FOR VICTIMS OF SEXUAL OFFENSES, REQUIREMENTS — CONTRACTS — REPORT, CONTENTS — FUND ESTABLISHED, USE OF MONEYS — RULEMAKING AUTHORITY. — 1. Sections 192.2520 and 197.135 shall be known and may be cited as the "Justice for Survivors Act".

2. As used in this section, the following terms shall mean:

- (1) "Appropriate medical provider", the same meaning as used in section 595.220;
- (2) "Department", the department of health and senior services;
- (3) "Evidentiary collection kit", the same meaning as used in section 595.220;
- (4) "Forensic examination", the same meaning as used in section 595.220;
- (5) "Telehealth", the same meaning as used in section 191.1145.

3. No later than July 1, 2022, there shall be established within the department a statewide telehealth network for forensic examinations of victims of sexual offenses in order to provide access to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers. A statewide coordinator for the telehealth network shall be selected by the director of the department of health and senior services and shall have oversight responsibilities and provide support for the training programs offered by the network, as well as the implementation and operation of the network. **The statewide coordinator shall regularly consult with Missouri-based stakeholders and clinicians actively engaged in the collection of forensic evidence regarding the training programs offered by the network, as well as the implementation and operation of the network.**

4. The network shall provide mentoring and educational training services, including:

- (1) Conducting a forensic examination of a victim of a sexual offense, in accordance with best practices, while utilizing an evidentiary collection kit;
- (2) Proper documentation, transmission, and storage of the examination evidence;
- (3) Utilizing trauma-informed care to address the needs of victims;
- (4) Utilizing telehealth technology while conducting a live examination; and
- (5) Providing ongoing case consultation and serving as an expert witness in event of a trial.

The network shall, in the mentoring and educational training services provided, emphasize the importance of obtaining a victim's informed consent to evidence collection, including issues involving minor consent, and the scope and limitations of confidentiality regarding information gathered during the forensic examination.

5. The training offered [may] **shall** be made available [both] online [or in person], including the use of video conferencing technology to connect trained interdisciplinary experts with providers in a case-based learning environment, **and may also be made available in-person.**

6. The network shall, through telehealth services available twenty-four hours a day, seven days a week, by a SANE or another similarly trained appropriate medical provider, provide mentoring, consultation services, guidance, and technical assistance to appropriate medical providers during and outside of a forensic examination of a victim of a sexual offense. The network shall ensure that the system through which the network provides telehealth services meets national standards for interoperability to connect to telehealth systems.

7. The department may consult and enter into any necessary contracts with any other local, state, or federal agency, institution of higher education, or private entity to carry out the provisions of this section, including, but not limited to, a contract to:

- (1) Develop, implement, maintain, or operate the network;
- (2) Train and provide technical assistance to appropriate medical providers on conducting forensic examinations of victims of sexual offenses and the use of telehealth services; and
- (3) Provide consultation, guidance, or technical assistance to appropriate medical providers using telehealth services during a forensic examination of a victim of a sexual offense.

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8. Beginning October 1, 2021, and each year thereafter, all hospitals licensed under chapter 197 shall report to the department the following information for the previous year:

- (1) The number of forensic examinations of victims of a sexual offense performed at the hospital;
- (2) The number of forensic examinations of victims of a sexual offense requested to be performed by a victim of a sexual offense that the hospital did not perform and the reason why the examination was not performed;
- (3) The number of evidentiary collection kits submitted to a law enforcement agency for testing; and
- (4) After July 1, 2022, the number of appropriate medical providers employed at or contracted with the hospital who utilized the training and telehealth services provided by the network.

The information reported under this subsection and subsection 9 of this section shall not include any personally identifiable information of any victim of a sexual offense or any appropriate medical provider performing a forensic examination of such victim.

9. Beginning January 1, 2022, and each year thereafter, the department shall make publicly available a report that shall include the information submitted under subsection 8 of this section. The report shall also include, in collaboration with the department of public safety, information about the number of evidentiary collection kits submitted by a person or entity outside of a hospital setting, as well as the number of appropriate medical providers utilizing the training and telehealth services provided by the network outside of a hospital setting.

10. (1) The funding for the network shall be subject to appropriations. In addition to appropriations from the general assembly, the department shall apply for available grants and shall be able to accept other gifts, grants, bequests, and donations to develop and maintain the network and the training offered by the network.

(2) There is hereby created in the state treasury the "Justice for Survivors Telehealth Network Fund", which shall consist of any gifts, grants, bequests, and donations accepted under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department for the purpose of developing and maintaining the network and the training offered by the network. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The department shall promulgate rules and regulations in order to implement the provisions of this section, including, but not limited to, the following:

- (1) The operation of a statewide telehealth network for forensic examinations of victims of sexual offenses;
- (2) The development of training for appropriate medical providers conducting a forensic examination of a victim of a sexual offense; and
- (3) Maintenance of records and data privacy and security of patient information.

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

197.135. FORENSIC EXAMINATIONS, VICTIMS OF SEXUAL OFFENSE, REQUIREMENTS — WAIVER OF REQUIREMENTS, WHEN — REIMBURSEMENT OF COSTS — ACCESS TO STATEWIDE

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TELEHEALTH NETWORK REQUIRED. — 1. Beginning January 1, 2023, **or no later than six months after the establishment of the statewide telehealth network under section 192.2520, whichever is later**, any hospital licensed under this chapter shall perform a forensic examination using an evidentiary collection kit upon the request and consent of the victim of a sexual offense, or the victim's guardian, when the victim is at least fourteen years of age. In the case of minor consent, the provisions of subsection 2 of section 595.220 shall apply. Victims under fourteen years of age shall be referred, **and victims fourteen years of age or older but less than eighteen years of age may be referred**, to a SAFE CARE provider, as such term is defined in section 334.950, for medical or forensic evaluation and case review. Nothing in this section shall be interpreted to preclude a hospital from performing a forensic examination for a victim under fourteen years of age upon the request and consent of the victim or victim's guardian, subject to the provisions of section 595.220 and the rules promulgated by the department of public safety.

2. **(1)** An appropriate medical provider, as such term is defined in section 595.220, shall perform the forensic examination of a victim of a sexual offense. The hospital shall ensure that any provider performing the examination has received training conducting such examinations that is, at a minimum, equivalent to the training offered by the statewide telehealth network under subsection 4 of section 192.2520. **Nothing in this section shall require providers to utilize the training offered by the statewide telehealth network, as long as the training utilized is, at a minimum, equivalent to the training offered by the statewide telehealth network.**

(2) If the provider is not a sexual assault nurse examiner (SANE), or another similarly trained physician or nurse, then the hospital shall utilize telehealth services during the examination, such as those provided by the statewide telehealth network, to provide guidance and support through a SANE, or other similarly trained physician or nurse, who may observe the live forensic examination and who shall communicate with and support the onsite provider with the examination, forensic evidence collection, and proper transmission and storage of the examination evidence.

3. The department of health and senior services may issue a waiver of the telehealth requirements of subsection 2 of this section if the hospital demonstrates to the department, in writing, a technological hardship in accessing telehealth services or a lack of access to adequate broadband services sufficient to access telehealth services. Such waivers shall be granted sparingly and for no more than a year in length at a time, with the opportunity for renewal at the department's discretion.

4. The department shall waive the requirements of this section if the statewide telehealth network established under section 192.2520 ceases operation, the director of the department of health and senior services has provided written notice to hospitals licensed under this chapter that the network has ceased operation, and the hospital cannot, in good faith, comply with the requirements of this section without assistance or resources of the statewide telehealth network. Such waiver shall remain in effect until such time as the statewide telehealth network resumes operation or until the hospital is able to demonstrate compliance with the provisions of this section without the assistance or resources of the statewide telehealth network.

5. The provisions of section 595.220 shall apply to the reimbursement of the reasonable costs of the examinations and the provision of the evidentiary collection kits.

6. No individual hospital shall be required to comply with the provisions of this section and section 192.2520 unless and until the department provides such hospital with access to the statewide telehealth network for the purposes of mentoring and training services required under section 192.2520 without charge to the hospital.

211.012. STATUS AS CHILD DETERMINED BY THEN-EXISTING LAW AT TIME OF ALLEGED OFFENSE FOR JUVENILE COURT JURISDICTION AND INCARCERATION PURPOSES. — For purposes of this chapter, section 221.044, and the original jurisdiction of the juvenile court, a

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person shall not be considered a child if, at the time the alleged offense or violation was committed, the person was considered an adult according to then-existing law.

211.072. CERTIFICATION AS AN ADULT, PLACEMENT IN SECURE DETENTION FACILITY TO CONTINUE TRANSFER TO ADULT JAIL, WHEN, PROCEDURE — LIMITATION ON TIME IN ADULT JAIL — REQUIREMENTS FOR PRETRIAL-CERTIFIED JUVENILES — PER DIEM. — 1. A juvenile under eighteen years of age who has been certified to stand trial as an adult for offenses pursuant to section 211.071, if currently placed in a secure juvenile detention facility, shall remain in a secure juvenile detention facility pending finalization of the judgment and completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for prosecution under the general law unless otherwise ordered by the juvenile court. Upon the judgment dismissing the petition to allow prosecution under the general laws becoming final and adult charges being filed, if the juvenile is currently in a secure juvenile detention facility, the juvenile shall remain in such facility unless the juvenile posts bond or the juvenile is transferred to an adult jail. If the juvenile officer does not believe juvenile detention would be the appropriate placement or would continue to serve as the appropriate placement, the juvenile officer may file a motion in the adult criminal case requesting that the juvenile be transferred from a secure juvenile detention facility to an adult jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in a secure juvenile detention facility or being transferred to an adult jail. At such hearing, the following shall have the right to be present and have the opportunity to present evidence and recommendations at such hearing: the juvenile; the juvenile's parents; the juvenile's counsel; the prosecuting attorney; the juvenile officer or his or her designee for the circuit in which the juvenile was certified; the juvenile officer or his or her designee for the circuit in which the pre-trial certified juvenile is proposed to be held, if different from the circuit in which the juvenile was certified; counsel for the juvenile officer; and representatives of the county proposed to have custody of the pre-trial certified juvenile.

2. Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility subject to all Missouri juvenile detention standards, or the court shall order that the pre-trial certified juvenile be held in an adult jail but only after the court has made findings that it would be in the best interest of justice to move the pre-trial certified juvenile to an adult jail. The court shall weigh the following factors when deciding whether to detain a certified juvenile in an adult facility:

- (1) The certified juvenile's age;
- (2) The certified juvenile's physical and mental maturity;
- (3) The certified juvenile's present mental state, including whether he or she presents an imminent risk of self-harm;
- (4) The nature and circumstances of the charges;
- (5) The certified juvenile's history of delinquency;
- (6) The relative ability of the available adult and juvenile facilities to both meet the needs of the certified juvenile and to protect the public and other youth in their custody;
- (7) The opinion of the juvenile officer in the circuit of the proposed placement as to the ability of that juvenile detention facility to provide for appropriate care, custody, and control of the pre-trial certified juvenile; and
- (8) Any other relevant factor.

3. In the event the court finds that it is in the best interest of justice to require the certified juvenile to be held in an adult jail, the court shall hold a hearing once every thirty days to determine whether the placement of the certified juvenile in an adult jail is still in the best interests of justice.

4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty days unless the court finds, for good cause, that an extension is necessary or the juvenile, through counsel, waives the one hundred eighty day maximum period. If no extension is granted under this subsection, the certified juvenile shall be transferred from the adult jail to a secure juvenile detention facility.

5. Effective December 31, 2021, all previously pre-trial certified juveniles under eighteen years of age who had been certified prior to August 28, 2021, shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds, based upon the factors in subsection 2 of this section, that it would be in the best interest of justice to keep the juvenile in the adult jail.

6. All pre-trial certified juveniles under eighteen years of age who are held in adult jails pursuant to the best interest of justice exception shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

7. If the certified juvenile remains in juvenile detention, the juvenile officer may file a motion to reconsider placement. The court shall consider the factors set out in subsection 2 of this section and the individuals set forth in subsection 1 of this section shall have a right to be present and present evidence. The court may amend its earlier order in light of the evidence and arguments presented at the hearing if the court finds that it would not be in the best interest of justice for the juvenile to remain in a secure juvenile detention facility.

8. Issues related to the setting of, and posting of, bond along with any bond forfeiture proceedings shall be held in the pre-trial certified juvenile's adult criminal case.

9. Upon attaining eighteen years of age or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility.

10. Any responsibility for transportation of and contracted service for the certified juvenile who remains in a secure juvenile detention facility shall be handled in the same manner as in all other adult criminal cases where the defendant is in custody.

11. The per diem provisions as set forth in section 211.156 shall apply to certified juveniles who are being held in a secure juvenile detention facility.

211.181. ORDER FOR DISPOSITION OR TREATMENT OF CHILD — SUSPENSION OF ORDER AND PROBATION GRANTED, WHEN — COMMUNITY ORGANIZATIONS, IMMUNITY FROM LIABILITY, WHEN — LENGTH OF COMMITMENT MAY BE SET FORTH — ASSESSMENTS, DEPOSITS, USE. — 1. When a child is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child;

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such federal waivers as required to provide services for such children, including the acquisition of community-based services waivers.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he or she is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require; provided that, no child who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be placed in any residence within one thousand feet of the residence of the abused child of that offense until the abused child reaches the age of eighteen, and provided further that the provisions of this subdivision regarding placement within one thousand feet of the abused child shall not apply when the abusing child and the abused child are siblings or children living in the same home;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his or her offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his or her attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the

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child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's [eighteenth] **nineteenth** birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

211.211. RIGHT TO COUNSEL OR GUARDIAN AD LITEM — COUNSEL APPOINTED, WHEN — WAIVER, EXCEPTIONS FOR CERTAIN PROCEEDINGS. — 1. A child is entitled to be represented by counsel in all proceedings under subdivision (2) or (3) of subsection 1 of section 211.031 and by a guardian ad litem in all proceedings under subdivision (1) of subsection 1 of section 211.031.

2. The court shall appoint counsel for a child prior to the filing of a petition if a request is made therefor to the court and the court finds that the child is the subject of a juvenile court proceeding and that the child making the request is indigent.

3. **(1)** When a petition has been filed under subdivision (2) or (3) of subsection 1 of section 211.031, the court [shall] **may** appoint counsel for the child except if private counsel has entered his or her appearance on behalf of the child or if counsel has been waived in accordance with law; **except that, counsel shall not be waived for any proceeding specified under subsection 10 of this section unless the child has had the opportunity to meaningfully consult with counsel and the court has conducted a hearing on the record.**

(2) If a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing and shall be made knowingly, intelligently, and voluntarily. In

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determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances including, but not limited to, the child's age, intelligence, background, and experience generally and in the court system specifically; the child's emotional stability; and the complexity of the proceedings.

4. When a petition has been filed and the child's custodian appears before the court without counsel, the court shall appoint counsel for the custodian if it finds:

- (1) That the custodian is indigent; and
- (2) That the custodian desires the appointment of counsel; and
- (3) That a full and fair hearing requires appointment of counsel for the custodian.

5. Counsel shall be allowed a reasonable time in which to prepare to represent his client.

6. Counsel shall serve for all stages of the proceedings, including appeal, unless relieved by the court for good cause shown. If no appeal is taken, services of counsel are terminated following the entry of an order of disposition.

7. The child and his custodian may be represented by the same counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the child and his custodian be represented by separate counsel, and it shall appoint counsel if required by subsection 3 or 4 of this section.

8. When a petition has been filed, a child may waive his or her right to counsel only with the approval of the court **and if such waiver is not prohibited under subsection 10 of this section. If a child waives his or her right to counsel for any proceeding except proceedings under subsection 10 of this section, the waiver shall only apply to that proceeding. In any subsequent proceeding, the child shall be informed of his or her right to counsel.**

9. Waiver of counsel by a child may be withdrawn at any stage of the proceeding, in which event the court shall appoint counsel for the child if required by subsection 3 of this section.

10. **A child's right to be represented by counsel shall not be waived in any of the following proceedings:**

(1) **At any contested detention hearing under Missouri supreme court rule 127.08 where the petitioner alleges that the child violated any law that, if committed by an adult, would be a felony unless an agreement is otherwise reached;**

(2) **At a certification hearing under section 211.071 or a dismissal hearing under Missouri supreme court rule 129.04;**

(3) **At an adjudication hearing under Missouri supreme court rule 128.02 for any felony offense or at any detention hearing arising from a misdemeanor or felony motion to modify or revoke, including the acceptance of an admission;**

(4) **At a dispositional hearing under Missouri supreme court rule 128.03; or**

(5) **At a hearing on a motion to modify or revoke supervision under subdivision (2) or (3) of subsection 1 of section 211.031.**

211.435. JUVENILE JUSTICE PRESERVATION FUND — SURCHARGE ON TRAFFIC VIOLATIONS — EXPENDITURES FROM FUND, WHEN. — 1. [There is hereby created in the state treasury the] **A "Juvenile Justice Preservation Fund"**, which] **is hereby established in each county's circuit court for the purpose of implementing and maintaining the expansion of juvenile court jurisdiction to eighteen years of age. The fund** shall consist of moneys collected under subsection 2 of this section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other moneys appropriated by the general assembly. [The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425 solely

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for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The provisions of this subsection shall expire on August 28, 2024.]

2. For all traffic violations of any county ordinance or any violation of traffic laws of this state, including an infraction, in which a person has pled guilty, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected under this section shall be [paid into the state treasury to the credit of the] **payable to the county circuit court juvenile justice preservation fund created in this section.** [The provisions of this subsection shall expire if the provisions of subsection 1 of this section expire.] **Funds held by the state treasurer in the state juvenile justice preservation fund shall be payable and revert to the circuit court's juvenile justice preservation fund in the county of origination.**

3. **Expenditures from the county circuit court juvenile justice preservation fund shall be made at the discretion of the juvenile office for the circuit court and shall be used for the sole purpose of implementing and maintaining the expansion of juvenile court jurisdiction.**

4. **No moneys deposited in the juvenile justice preservation fund shall be expended for capital improvements.**

5. **To further promote the best interests of the children of the state of Missouri, moneys in the juvenile justice preservation fund shall not be used to replace or reduce the responsibilities of either the counties or the state to provide funding for existing and new juvenile treatment services as provided in this chapter and chapter 210 or funding as otherwise required by law.**

214.392. DIVISION OF PROFESSIONAL REGISTRATION, DUTIES AND POWERS IN REGULATION OF CEMETERIES — RULEMAKING AUTHORITY. — 1. The division shall:

(1) Recommend prosecution for violations of the provisions of sections 214.270 to 214.410 to the appropriate prosecuting, circuit attorney or to the attorney general;

(2) Employ, within limits of the funds appropriated, such employees as are necessary to carry out the provisions of sections 214.270 to 214.410;

(3) Be allowed to convey full authority to each city or county governing body the use of inmates controlled by the department of corrections and the [board] **division** of probation and parole to care for abandoned cemeteries located within the boundaries of each city or county;

(4) Exercise all budgeting, purchasing, reporting and other related management functions;

(5) Be authorized, within the limits of the funds appropriated, to conduct investigations, examinations, or audits to determine compliance with sections 214.270 to 214.410;

(6) The division may promulgate rules necessary to implement the provisions of sections 214.270 to 214.516, including but not limited to:

(a) Rules setting the amount of fees authorized pursuant to sections 214.270 to 214.516. The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and expense of administering sections 214.270 to 214.516. All moneys received by the division pursuant to sections 214.270 to 214.516 shall be collected by the director who shall transmit such moneys to the department of revenue for deposit in the state treasury to the credit of the endowed care cemetery audit fund created in section 193.265;

(b) Rules to administer the inspection and audit provisions of the endowed care cemetery law;

(c) Rules for the establishment and maintenance of the cemetery registry pursuant to section 214.283.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

217.010. DEFINITIONS. — As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

- (1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;
- (2) "Board", the [board of probation and] parole **board**;
- (3) "Chief administrative officer", the institutional head of any correctional facility or his **or her** designee;
- (4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;
- (5) "Department", the department of corrections of the state of Missouri;
- (6) "Director", the director of the department of corrections or his **or her** designee;
- (7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;
- (8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;
- (9) "Division director", the director of a division of the department or his **or her** designee;
- (10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;
- (11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or second degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;
- (12) "Offender", a person under supervision or an inmate in the custody of the department;
- (13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the [board] **division of probation and parole**;
- (14) "Volunteer", any person who, of his **or her** own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.030. DIRECTORS OF DIVISIONS, APPOINTMENT — APPOINTMENT OF GENERAL PERSONNEL. — The director shall appoint the directors of the divisions of the department[, except the chairman of the parole board who shall be appointed by the governor]. Division directors shall serve at the pleasure of the director[, except the chairman of the parole board who shall serve in the capacity of chairman at the pleasure of the governor]. The director of the department shall be the appointing authority under chapter 36 to employ such administrative, technical and other personnel who may be assigned to the department generally rather than to any of the department divisions or facilities and whose employment is necessary for the performance of the powers and duties of the department.

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217.195. CANTEEN TO BE ESTABLISHED — INMATE CANTEEN FUND ESTABLISHED, PURPOSE, MONEYS, HOW SPENT. — 1. With the approval of [his division director] **the director of the department of corrections**, the chief administrative officer of any correctional center operated by the division may establish and operate a canteen or commissary for the use and benefit of the offenders.

2. [Each correctional center shall keep revenues received from the canteen or commissary established and operated by the correctional center in a separate account] **The "Inmate Canteen Fund" is hereby established in the state treasury and shall consist of funds received from the operation of the inmate canteens.** The acquisition cost of goods sold and other expenses shall be paid from this account. A minimum amount of money necessary to meet cash flow needs and current operating expenses may be kept in this [account] **fund.** The [remaining funds from sales of each commissary or canteen shall be deposited monthly in a special fund to be known as the "Inmate Canteen Fund" which is hereby created and shall be expended by the appropriate division, for the benefit of] **proceeds generated from the operation of the inmate canteens shall be expended solely for any of the following, or combination thereof:** the offenders in the improvement of recreational, religious, [or] educational services, **or reentry services.** **All interest earned by the fund shall be credited to the fund and shall be used solely for the purposes described in this section.** The provisions of section 33.080 to the contrary notwithstanding, [the] **any money remaining** in the inmate canteen fund **at the end of the biennium** shall be retained for the purposes specified in this section and shall not revert to the **credit of** or be transferred to general revenue. [The department shall keep accurate records of the source of money deposited in the inmate canteen fund and shall allocate appropriations from the fund to the appropriate correctional center.]

217.199. FEMININE HYGIENE PRODUCTS, AVAILABLE AT NO COST TO FEMALE OFFENDERS. — 1. **As used in this section, the following terms mean:**

(1) **"Appropriate quantity", an amount per day capable of satisfying the individual need of the offender if used for the feminine hygiene product's intended purpose;**

(2) **"Feminine hygiene products", tampons and sanitary napkins.**

2. **The director shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center of the department. The director shall ensure that the feminine hygiene products conform with applicable industry standards.**

3. **The general assembly may appropriate funds to assist the director in satisfying the requirements of this section.**

217.250. OFFENDER WITH TERMINAL DISEASE OR ADVANCED AGE WHERE CONFINEMENT WILL ENDANGER OR SHORTEN LIFE — CERTIFICATION TO PAROLE BOARD, REPORT TO GOVERNOR, PROCEDURE. — Whenever any offender is afflicted with a disease which is terminal, or is advanced in age to the extent that the offender is in need of long-term nursing home care, or when confinement will necessarily greatly endanger or shorten the offender's life, the correctional center's physician shall certify such facts to the chief medical administrator, stating the nature of the disease. The chief medical administrator with the approval of the director will then forward the certificate to the [board of probation and] parole **board** who in their discretion may grant a medical parole or at their discretion may recommend to the governor the granting or denial of a commutation.

217.270. PAROLE BOARD TO HAVE ACCESS TO OFFENDERS AND RECORDS, WHEN. — All correctional employees shall:

(1) Grant to members of the state [board of probation and] parole **board** or its properly accredited representatives access at all reasonable times to any offender;

(2) Furnish to the board the reports that the board requires concerning the conduct and character of any offender in their custody; and

(3) Furnish any other facts deemed pertinent by the board in the determination of whether an offender shall be paroled.

217.362. PROGRAM FOR OFFENDERS WITH SUBSTANCE ABUSE ADDICTION — ELIGIBILITY, DISPOSITION, PLACEMENT — COMPLETION, EFFECT. — 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug or alcohol treatment for a period of at least twelve and no more than twenty-four months, as well as a term of incarceration. The department shall determine the nature, intensity, duration, and completion criteria of the education, treatment, and aftercare portions of any program services provided. Execution of the offender's term of incarceration shall be suspended pending completion of said program. Allocation of space in the program may be distributed by the department in proportion to drug arrest patterns in the state. If the court is advised that an offender is not eligible or that there is no space available, the court shall consider other authorized dispositions.

3. Upon successful completion of the program, the [board] **division** of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. If the court determines that probation is not appropriate the court may order the execution of the offender's sentence.

4. If it is determined by the department that the offender has not successfully completed the program, or that the offender is not cooperatively participating in the program, the offender shall be removed from the program and the court shall be advised. Failure of an offender to complete the program shall cause the offender to serve the sentence prescribed by the court and void the right to be considered for probation on this sentence.

5. An offender's first incarceration in a department of corrections program pursuant to this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term pursuant to the provisions of section 558.019.

217.364. OFFENDERS UNDER TREATMENT PROGRAM, PLACEMENT, RULES — ELIGIBILITY — USE, PURPOSE, AVAILABILITY — FAILURE TO COMPLETE. — 1. The department of corrections shall establish by regulation the "Offenders Under Treatment Program". The program shall include institutional placement of certain offenders, as outlined in subsection 3 of this section, under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

2. As used in this section, the term "offenders under treatment program" means a one-hundred-eighty-day institutional correctional program for the monitoring, control and treatment of certain substance abuse offenders and certain nonviolent offenders followed by placement on parole with continued supervision.

3. The following offenders may participate in the program as determined by the department:

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(1) Any nonviolent offender who has not previously been remanded to the department and who has been found guilty of violating the provisions of chapter 195 or 579 or whose substance abuse was a precipitating or contributing factor in the commission of his **or her** offense; or

(2) Any nonviolent offender who has pled guilty or been found guilty of a crime which did not involve the use of a weapon, and who has not previously been remanded to the department.

4. This program shall be used as an intermediate sanction by the department. The program may include education, treatment and rehabilitation programs. If an offender successfully completes the institutional phase of the program, the department shall notify the [board of probation and] parole **board** within thirty days of completion. Upon notification from the department that the offender has successfully completed the program, the [board of probation and] parole **board** may at its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be taken out of the program and shall serve the remainder of his **or her** sentence with the department.

7. Time spent in the program shall count as time served on the sentence.

217.455. DIRECTOR OF DIVISION OF ADULT INSTITUTIONS TO TRANSMIT INFORMATION AND REQUEST. — The request provided for in section 217.450 shall be delivered to the director, who shall forthwith:

(1) Certify the term of commitment under which the offender is being held, the time already served, the time remaining to be served on the sentence, the time of parole eligibility of the offender, and any decisions of the state [board of probation and] parole **board** relating to the offender; and

(2) Send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the prosecuting attorney to whom it is addressed.

217.541. HOUSE ARREST PROGRAM, DEPARTMENT TO ESTABLISH AND REGULATE — LIMITED RELEASE, WHEN — ARREST WARRANT MAY BE ISSUED BY PROBATION OR PAROLE OFFICER, WHEN — OFFENDERS TO FUND PROGRAM. — 1. The department shall by rule establish a program of house arrest. The director or his **or her** designee may extend the limits of confinement of offenders serving sentences for class D or E felonies who have one year or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program.

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state [board of probation and] parole **board**.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his **or her** place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The [board] **division** of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be

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sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his **or her** designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

6. Each offender who is released to house arrest shall pay a percentage of his **or her** wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program.

217.650. DEFINITIONS. — As used in sections 217.650 to 217.810, unless the context clearly indicates otherwise, the following terms mean:

(1) ["Board", the state board of probation and parole;

(2) "Chairman"] "**Chairperson**", [chairman] **chairperson** of the [board of probation and] **parole board who shall be appointed by the governor;**

[(3)] (2) "Diversions program", a program designed to utilize alternatives to incarceration undertaken under the supervision of the [board] **division of probation and parole** after commitment of an offense and prior to arraignment;

[(4)] (3) "Parole", the release of an offender to the community by the court or the state [board of probation and] **parole board** prior to the expiration of his term, subject to conditions imposed by the court or the **parole board** and to its supervision **by the division of probation and parole;**

(4) "**Parole board**", **the state board of parole;**

(5) "Prerelease program", a program relating to an offender's preparation for, or orientation to, supervision by the [board] **division of probation and parole** immediately prior to or immediately after assignment of the offender to the [board] **division of probation and parole** for supervision;

(6) "Pretrial program", a program relating to the investigation or supervision of persons referred or assigned to the [board] **division of probation and parole** prior to their conviction;

(7) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the [board] **division of probation and parole;**

(8) "Recognizance program", a program relating to the release of an individual from detention who is under arrest for an offense for which he **or she** may be released as provided in section 544.455.

217.655. PAROLE BOARD, GENERAL DUTIES — DIVISION DUTIES. — 1. The parole board shall be responsible for determining whether a person confined in the department shall be paroled or released conditionally as provided by section 558.011. The **parole board** shall receive administrative support from the division of probation and parole. The division of probation and parole shall provide supervision to all persons referred by the circuit courts of the state as provided by sections 217.750 and 217.760. The **parole board** shall exercise independence in making decisions about individual cases, but operate cooperatively within the department and with other agencies, officials, courts, and stakeholders to achieve systemic improvement including the requirements of this section.

2. The **parole board** shall adopt parole guidelines to:

(1) Preserve finite prison capacity for the most serious and violent offenders;

(2) Release supervision-manageable cases consistent with section 217.690;

(3) Use finite resources guided by validated risk and needs assessments;

(4) Support a seamless reentry process;

(5) Set appropriate conditions of supervision; and

(6) Develop effective strategies for responding to violation behaviors.

3. The **parole** board shall collect, analyze, and apply data in carrying out its responsibilities to achieve its mission and end goals. The **parole** board shall establish agency performance and outcome measures that are directly responsive to statutory responsibilities and consistent with agency goals for release decisions, supervision, revocation, recidivism, and caseloads.

4. The **parole** board shall publish parole data, including grant rates, revocation and recidivism rates, length of time served, and successful supervision completions, and other performance metrics.

5. The **chairperson of the parole** board shall **employ such employees as necessary to carry out its responsibilities, serve as the appointing authority over such employees, and** provide for appropriate training to members and staff, including communication skills.

6. The division of probation and parole shall provide such programs as necessary to carry out its responsibilities consistent with its goals and statutory obligations.

217.690. BOARD MAY ORDER RELEASE OR PAROLE — ASSESSMENT, PERSONAL HEARING — FEE — RULES — ELIGIBILITY FOR PAROLE, HOW CALCULATED — FIRST DEGREE MURDER, ELIGIBILITY FOR HEARING — HEARING PROCEDURE — NOTICE — SPECIAL CONDITIONS — EDUCATION REQUIREMENTS, EXCEPTIONS — RULEMAKING AUTHORITY. — 1. All releases or paroles shall issue upon order of the **parole** board, duly adopted.

2. Before ordering the parole of any offender, the **parole** board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the **parole** board. The **parole** board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him **or her**, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the **parole** board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the **parole** board.

3. The division of probation and parole has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under division supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the division of probation and parole to assist offenders to successfully complete probation, parole, or conditional release. The [board] **division of probation and parole** shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

4. The **parole** board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.

5. When considering parole for an offender with consecutive sentences, the minimum term for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of

the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

6. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

7. A victim who has requested an opportunity to be heard shall receive notice that the **parole** board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

8. Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a **parole** board member at the **parole** board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The **parole** board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

9. The **parole** board shall notify any person of the results of a parole eligibility hearing if the person indicates to the **parole** board a desire to be notified.

10. The **parole** board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

11. Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The **parole** board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community. **Parole** board rules shall permit parole conditions to be modified by parole officers with review and approval by supervisors.

12. Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

13. Beginning January 1, 2001, the **parole** board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the **parole** board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the **parole** board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

14. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

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nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

217.692. ELIGIBILITY FOR PAROLE, OFFENDERS WITH LIFE SENTENCE, WHEN — CRITERIA — PERJURY, PENALTY. — 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or life without parole, whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

- (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;
- (2) Has no prior violent felony convictions;
- (3) No longer has a cognizable legal claim or legal recourse; and
- (4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records;

shall be eligible for parole after having served fifteen years of such sentence when the **parole** board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

2. The [board of probation and] parole **board** shall give a thorough review of the case history and prison record of any offender described in subsection 1 of this section. At the end of the **parole** board's review, the **parole** board shall provide the offender with a copy of a statement of reasons for its parole decision.

3. Any offender released under the provisions of this section shall be under the supervision of the [parole board] **division of probation and parole** for an amount of time to be determined by the **parole** board.

4. The parole board shall consider, but not be limited to the following criteria when making its parole decision:

- (1) Length of time served;
- (2) Prison record and self-rehabilitation efforts;
- (3) Whether the history of the case included corroborative material of physical, sexual, mental, or emotional abuse of the offender, including but not limited to witness statements, hospital records, social service records, and law enforcement records;
- (4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;
- (5) Any victim information outlined in subsection 8 of section 217.690 and section 595.209;
- (6) The offender's continued claim of innocence;
- (7) The age and maturity of the offender at the time of the **parole** board's decision;
- (8) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment;
- (9) The presence of a workable parole plan; and
- (10) Community and family support.

5. Nothing in this section shall limit the review of any offender's case who is eligible for parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole prior to fifteen years.

6. Nothing in this section shall limit the review of any offender's case who has applied for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

7. It shall be the responsibility of the offender to petition the **parole** board for a hearing under this section.

8. A person commits the crime of perjury if he or she, with the purpose to deceive, knowingly makes a false witness statement to the **parole** board. Perjury under this section shall be a class D felony.

9. In cases where witness statements alleging physical or sexual domestic violence are in conflict as to whether such violence occurred or was continual and substantial in nature, the history of such alleged violence shall be established by other corroborative evidence in addition to witness statements, as provided by subsection 1 of this section. A contradictory statement of the victim shall not be deemed a conflicting statement for purposes of this section.

217.695. RELEASE FROM CUSTODY UNDER SUPERVISION OF DIVISION OF PROBATION AND PAROLE, REGISTRATION WITH LAW ENFORCEMENT OFFICIALS REQUIRED. — 1. As used in this section, the following terms mean:

(1) "Chief law enforcement official", the county sheriff, chief of police or other public official responsible for enforcement of criminal laws within a county or city not within a county;

(2) "County" includes a city not within a county;

(3) "Offender", a person in the custody of the department or under the supervision of the [board] **division of probation and parole**.

2. Each offender to be released from custody of the department who will be under the supervision of the [board] **division of probation and parole**, except an offender transferred to another state pursuant to the interstate corrections compact, shall shortly before release be required to: complete a registration form indicating his **or her** intended address upon release, employer, parent's address, and such other information as may be required; submit to photographs; submit to fingerprints; or undergo other identification procedures including but not limited to hair samples or other identification indicia. All data and indicia of identification shall be compiled in duplicate, with one set to be retained by the department, and one set for the chief law enforcement official of the county of intended residence.

3. Any offender subject to the provisions of this section who changes his **or her** county of residence shall, in addition to notifying the [board] **division** of probation and parole, notify and register with the chief law enforcement official of the county of residence within seven days after he **or she** changes his **or her** residence to that county.

4. Failure by an offender to register with the chief law enforcement official upon a change in the county of his **or her** residence shall be cause for revocation of the parole of the person except for good cause shown.

5. The department, the [board] **division of probation and parole**, and the chief law enforcement official shall cause the information collected on the initial registration and any subsequent changes in residence or registration to be recorded with the highway patrol criminal information system.

6. The director of the department of public safety shall design and distribute the registration forms required by this section and shall provide any administrative assistance needed to facilitate the provisions of this section.

217.710. FIREARMS, AUTHORITY TO CARRY, DEPARTMENT'S DUTIES, TRAINING — RULEMAKING PROCEDURE. — 1. Probation and parole officers, supervisors and members of the [board of probation and] parole **board**, who are certified pursuant to the requirements of subsection 2 of this section shall have the authority to carry their firearms at all times. The department of corrections shall promulgate policies and operating regulations which govern the use of firearms by probation and parole officers, supervisors and members of the **parole** board when carrying out the provisions of sections 217.650 to 217.810. Mere possession of a firearm shall not constitute an employment activity for the purpose of calculating compensatory time or overtime.

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2. The department shall determine the content of the required firearms safety training and provide firearms certification and recertification training for probation and parole officers, supervisors and members of the [board of probation and] parole **board**. A minimum of sixteen hours of firearms safety training shall be required. In no event shall firearms certification or recertification training for probation and parole officers and supervisors exceed the training required for officers of the state highway patrol.

3. The department shall determine the type of firearm to be carried by the officers, supervisors and members of the [board of probation and] parole **board**.

4. Any officer, supervisor or member of the [board of probation and] parole **board** that chooses to carry a firearm in the performance of such officer's, supervisor's or member's duties shall purchase the firearm and holster.

5. The department shall furnish such ammunition as is necessary for the performance of the officer's, supervisor's and member's duties.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in section 571.030 or this section shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in section 571.030 or this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

217.735. LIFETIME SUPERVISION REQUIRED FOR CERTAIN OFFENDERS — ELECTRONIC MONITORING — TERMINATION AT AGE SIXTY-FIVE PERMITTED, WHEN — RULEMAKING AUTHORITY. — 1. Notwithstanding any other provision of law to the contrary, the division of probation and parole shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the **parole** board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

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6. In accordance with section 217.040, the [board] **division of probation and parole** may adopt rules relating to supervision and electronic monitoring of offenders under this section.

217.777. COMMUNITY CORRECTIONS PROGRAM ALTERNATIVE FOR ELIGIBLE OFFENDERS, PURPOSE — OPERATION — RULES — GUIDELINES. — 1. The department shall administer a community corrections program to encourage the establishment of local sentencing alternatives for offenders to:

(1) Promote accountability of offenders to crime victims, local communities and the state by providing increased opportunities for offenders to make restitution to victims of crime through financial reimbursement or community service;

(2) Ensure that victims of crime are included in meaningful ways in Missouri's response to crime;

(3) Provide structured opportunities for local communities to determine effective local sentencing options to assure that individual community programs are specifically designed to meet local needs;

(4) Reduce the cost of punishment, supervision and treatment significantly below the annual per-offender cost of confinement within the traditional prison system;

(5) Utilize community supervision centers to effectively respond to violations and prevent revocations; [and]

(6) Improve public confidence in the criminal justice system by involving the public in the development of community-based sentencing options for eligible offenders; **and**

(7) Promote opportunities for nonviolent primary caregivers to care for their dependent children.

2. The program shall be designed to implement and operate community-based restorative justice projects including, but not limited to: preventive or diversionary programs, community-based intensive probation and parole services, community-based treatment centers, day reporting centers, and the operation of facilities for the detention, confinement, care and treatment of adults under the purview of this chapter.

3. The department shall promulgate rules and regulations for operation of the program established pursuant to this section as provided for in section 217.040 and chapter 536.

4. Any proposed program or strategy created pursuant to this section shall be developed after identification of a need in the community for such programs, through consultation with representatives of the general public, judiciary, law enforcement and defense and prosecution bar.

5. In communities where local volunteer community boards are established at the request of the court, the following guidelines apply:

(1) The department shall provide a program of training to eligible volunteers and develop specific conditions of a probation program and conditions of probation for offenders referred to it by the court. Such conditions, as established by the community boards and the department, may include compensation and restitution to the community and the victim by fines, fees, day fines, victim-offender mediation, participation in victim impact panels, community service, or a combination of the aforementioned conditions;

(2) The term of probation shall not exceed five years and may be concluded by the court when conditions imposed are met to the satisfaction of the local volunteer community board.

6. The department may staff programs created pursuant to this section with employees of the department or may contract with other public or private agencies for delivery of services as otherwise provided by law.

217.829. ASSETS TO BE LISTED BY PRISONERS ON FORM UNDER OATH — FAILURE TO COMPLY, EFFECT — DEPARTMENT TO REQUEST ASSIGNMENTS. — 1. The department shall

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develop a form which shall be used by the department to obtain information from all offenders regarding their assets.

2. The form shall be submitted to each offender as of the date the form is developed and to every offender who thereafter is sentenced to imprisonment under the jurisdiction of the department. The form may be resubmitted to an offender by the department for purposes of obtaining current information regarding assets of the offender.

3. Every offender shall complete the form or provide for completion of the form and the offender shall swear or affirm under oath that to the best of his or her knowledge the information provided is complete and accurate. Any person who shall knowingly provide false information on said form to state officials or employees shall be guilty of the crime of making a false affidavit as provided by section 575.050.

4. Failure by an offender to fully, adequately and correctly complete the form may be considered by the [board of probation and] parole **board** for purposes of a parole determination, and in determining an offender's parole release date or eligibility and shall constitute sufficient grounds for denial of parole.

5. Prior to release of any offender from imprisonment, and again prior to release from the jurisdiction of the department, the department shall request from the offender an assignment of ten percent of any wages, salary, benefits or payments from any source. Such an assignment shall be valid for the longer period of five years from the date of its execution, or five years from the date that the offender is released from the jurisdiction of the department or any of its divisions or agencies. The assignment shall secure payment of the total cost of care of the offender executing the assignment. The restrictions on the maximum amount of earnings subject to garnishment contained in section 525.030 shall apply to earnings subject to assignments executed pursuant to this subsection.

217.845. CARES ACT MONEYS RECEIVED BY OFFENDER FOR COVID-19 TO BE USED FOR RESTITUTION. — Notwithstanding any provision of law to the contrary, any funds received by an offender from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, or any subsequent federal stimulus funding relating to severe acute respiratory syndrome coronavirus 2 or a virus mutating therefrom, shall be used by the offender to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law.

221.065. FEMININE HYGIENE PRODUCTS, AVAILABLE AT NO COST TO FEMALE PERSONS IN CUSTODY. — 1. As used in this section, the following terms mean:

(1) "Appropriate quantity", an amount of feminine hygiene products per day capable of satisfying the individual need of the offender if used for the feminine hygiene product's intended purpose;

(2) "Feminine hygiene products", tampons and sanitary napkins.

2. Every sheriff and jailer who holds a person in custody pursuant to a writ or process or for a criminal offense shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female persons while in custody. The sheriff or jailer shall ensure that the feminine hygiene products conform with applicable industry standards.

3. The general assembly shall appropriate funds to assist sheriffs and jailers in satisfying the requirements of this section.

221.105. BOARDING OF PRISONERS — AMOUNT EXPENDED, HOW FIXED, HOW PAID, LIMIT — REIMBURSEMENT BY STATE, WHEN. — 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable

by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

- (1) Until July 1, 1996, seventeen dollars per day per prisoner;
- (2) On and after July 1, 1996, twenty dollars per day per prisoner;
- (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations[, but not less than the amount appropriated in the previous fiscal year].

4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.

304.022. EMERGENCY AND STATIONARY VEHICLES — USE OF LIGHTS AND SIRENS — RIGHT-OF-WAY — PROCEDURE — PENALTY. — 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such

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vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer [or], coroner, **medical examiner, or forensic investigator of the county medical examiner's office**, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an

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emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

304.050. SCHOOL BUSES, DRIVERS TO STOP FOR, WHEN — SIGNS REQUIRED ON BUSES — CROSSING CONTROL ARM — BUS DRIVER RESPONSIBILITIES — DRIVER IDENTITY REBUTTABLE PRESUMPTION, WHEN (JESSICA'S LAW). — 1. **(1)** The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

(2) School buses under the provisions of subsections 1, 2, 5, 6, 7, 8, and 9 of this section shall include Head Start buses that have been certified by the Missouri highway patrol as meeting the provisions of section 307.375, are operated by a holder of a valid school bus endorsed commercial driver's license, and who meet the equivalent medical requirements prescribed in section 162.064, and which are transporting Head Start students to and from Head Start.

2. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading". Each school bus subject to the provisions of sections 304.050 to 304.070 shall be equipped with a mechanical and electrical signaling device approved by the state board of education, which will display a signal plainly visible from the front and rear and indicating intention to stop.

3. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped no later than August 1, 1998, with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five feet six inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in subsection 2 of this section. This subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri schoolchildren who have been injured or killed during the operation of a school bus.

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4. Except as otherwise provided in this section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the state board of education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district shall have the authority pursuant to this section to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may proceed past the school bus with due caution.

5. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty miles per hour and at least three hundred feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.

[5.] 6. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, or which is proceeding in the opposite direction on a highway containing four or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

[6.] 7. The driver of any school bus driving upon the highways of this state after loading or unloading school children, shall remain stopped if the bus is followed by three or more vehicles, until such vehicles have been permitted to pass the school bus, if the conditions prevailing make it safe to do so.

[7.] 8. If any vehicle is witnessed by a peace officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceedings against a rental or leasing company under this section unless prior written notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice.

[8.] 9. Notwithstanding the provisions in section 301.130, every school bus shall be required to have two license plates.

307.175. SIRENS AND FLASHING LIGHTS, USE OF, WHEN — PERMITS — VIOLATION, PENALTY. — 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while

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responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

(b) Vehicles operated as described in subsection 1 of this section;

(c) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision;

(d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the county medical examiner's office or a similar entity, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of such professionals have been requested by a law enforcement officer.

(2) The following vehicles and equipment may use or display fixed, flashing, or rotating amber or amber and white lights:

(a) Vehicles and equipment owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs;

(c) Vehicles and equipment operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, a utility worker is present, and such work zone is designated by a sign or signs. As used in this paragraph, the term "utility worker" means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.

452.410. CUSTODY, DECREE, MODIFICATION OF, WHEN. — 1. Except as provided in subsection 2 of this section, the court shall not modify a prior custody decree unless it has jurisdiction under the provisions of section [452.450] **452.745** and it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to

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serve the best interests of the child. Notwithstanding any other provision of this section or sections 452.375 and 452.400, any custody order entered by any court in this state or any other state [prior to August 13, 1984,] may, subject to jurisdictional requirements, be modified to allow for joint custody **or visitation only** in accordance with section 452.375, **452.400, 452.402, or 452.403** [without any further showing].

2. If either parent files a motion to modify an award of joint legal custody or joint physical custody, each party shall be entitled to a change of judge as provided by supreme court rule.

455.010. DEFINITIONS. — As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse", includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) **"Abusing a pet", purposely or knowingly causing, attempting to cause, or threatening to cause physical injury to a pet with the intent to control, punish, intimidate, or distress the petitioner;**

(b) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

[(b)] (c) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

[(c)] (d) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

[(d)] (e) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

[(e)] (f) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent;

[(f)] (g) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person seventeen years of age or older or otherwise emancipated;

(3) "Child", any person under seventeen years of age unless otherwise emancipated;

(4) "Court", the circuit or associate circuit judge or a family court commissioner;

(5) "Domestic violence", abuse or stalking committed by a family or household member, as such terms are defined in this section;

(6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(9) "Order of protection", either an ex parte order of protection or a full order of protection;

(10) "Pending", exists or for which a hearing date has been set;

(11) **"Pet", a living creature maintained by a household member for companionship and not for commercial purposes;**

(12) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking or sexual assault, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;

[(12)] (13) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking or sexual assault, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;

[(13)] (14) "Sexual assault", as defined under subdivision (1) of this section;

[(14)] (15) "Stalking", is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

(a) "Alarm" [means], to cause fear of danger of physical harm; and

(b) "Course of conduct" [means a pattern of conduct composed of], two or more acts [over a period of time, however short,] that [serves] **serve** no legitimate purpose[. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact] **including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitors, observes, surveils, threatens, or communicates to a person by any action, method, or device.**

455.032. PROTECTION ORDER, RESTRAINING RESPONDENT FROM ABUSE IF PETITIONER IS PERMANENTLY OR TEMPORARILY IN STATE — EVIDENCE ADMISSIBLE OF PRIOR ABUSE IN OR OUT OF STATE. — In addition to any other jurisdictional grounds provided by law, a court shall have jurisdiction to enter an order of protection restraining or enjoining the respondent from committing or threatening to commit domestic violence, stalking, sexual assault, molesting or disturbing the peace of petitioner, **or abusing a pet**, pursuant to sections 455.010 to 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state of Missouri and if the respondent's actions constituting domestic violence have occurred, have been attempted or have been or are threatened within the state of Missouri. For purposes of this section, if the petitioner has been the subject of domestic violence within or outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for protection in Missouri.

455.040. HEARINGS, WHEN — DURATION OF ORDERS, RENEWAL, REQUIREMENTS — COPIES OF ORDERS TO BE GIVEN, VALIDITY — DUTIES OF LAW ENFORCEMENT AGENCY — INFORMATION ENTERED IN MULES — OBJECTION, PERSONALLY SERVED. — 1. (1) Not later than fifteen days after the filing of a petition that meets the requirements of section 455.020, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of domestic violence, stalking, or sexual assault by a preponderance of the evidence, and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law, the court shall issue a full order of protection for a period of time the court deems appropriate, **and unless after an evidentiary hearing the court**

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makes specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner, [except that] the protective order shall be valid for at least one hundred eighty days and not more than one year. **If, after an evidentiary hearing, the court makes specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner, the protective order shall be valid for at least two years and not more than ten years.**

(2) Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed **annually and** for a period of time the court deems appropriate, **and unless the court at an evidentiary hearing made specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner,** [except that] the renewed protective order **may be renewed periodically and** shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the [originally] previously issued full order of protection. **If the court has made specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner, the renewed protective order may be renewed periodically and shall be valid for at least two years and up to the life of the respondent.**

(3) The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection [for one year] shall be automatically [renew] **renewed for any term of renewal of a full order of protection as set forth in this section** unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for [at least one hundred eighty days and not more than one year] **any term of renewal of a full order as set forth in this section.** For purposes of this subsection, a finding by the court of a subsequent act of domestic violence, stalking, or sexual assault is not required for a renewal order of protection.

(4) **In determining under this section whether a respondent poses a serious danger to the physical or mental health of a petitioner or of a minor household member of the petitioner, the court shall consider all relevant evidence including, but not limited to:**

- (a) The weight of the evidence;
- (b) The respondent's history of inflicting or causing physical harm, bodily injury, or assault;
- (c) The respondent's history of stalking or causing fear of physical harm, bodily injury, or assault on the petitioner or a minor household member of the petitioner;
- (d) The respondent's criminal record;
- (e) Whether any prior full orders of adult or child protection have been issued against the respondent;
- (f) Whether the respondent has been found guilty of any dangerous felony under Missouri law; and
- (g) Whether the respondent violated any term or terms of probation or parole or violated any term of a prior full or temporary order of protection and which violated terms were intended to protect the petitioner or a minor household member of the petitioner.

(5) **If a court finds that a respondent poses a serious risk to the physical or mental health of the petitioner or of a minor household member of the petitioner, the court shall not modify such order until a period of at least two years from the date the original full order was issued and only after the court makes specific written findings after a hearing held that the respondent has shown**

proof of treatment and rehabilitation and that the respondent no longer poses a serious danger to the petitioner or to a minor household member of the petitioner.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer at least three days prior to such hearing. The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. Notice of an ex parte or full order of protection shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature. Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. [The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted,] **The court shall provide all necessary information, including the respondent's relationship to the petitioner, for entry of the order of protection into the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC). Upon receiving the order under this subsection, the sheriff shall make the entry into MULES within twenty-four hours. MULES shall forward the order information to NCIC, which will in turn make the order viewable within the National Instant Criminal Background Check System (NICS). The sheriff shall** enter information contained in the order, including, but not limited to, any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency [and to the law enforcement agency responsible for maintaining] **for entry into MULES** or any other comparable law enforcement system. [The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination.] The information contained in an order of protection may be entered [in the Missouri uniform law enforcement system] **into MULES or any other** comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.045. TEMPORARY RELIEF AVAILABLE — EX PARTE ORDERS. — Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include:

- (1) Restraining the respondent from committing or threatening to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner;
- (2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:
 - (a) Jointly owned, leased or rented or jointly occupied by both parties; or

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- (b) Owned, leased, rented or occupied by petitioner individually; or
- (c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or
- (d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;
- (3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;
- (4) A temporary order of custody of minor children where appropriate;
- (5) **A temporary order of possession of pets where appropriate.**

455.050. FULL OR EX PARTE ORDER OF PROTECTION, ABUSE, STALKING, OR SEXUAL ASSAULT, CONTENTS — RELIEF AVAILABLE — COURT MAY ORDER TRANSFER BILLING RESPONSIBILITY OF WIRELESS TELEPHONE, WHEN, PROCEDURE. — 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing or threatening to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner, **including violence against a pet;**

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

- (a) Jointly owned, leased or rented or jointly occupied by both parties; or
- (b) Owned, leased, rented or occupied by petitioner individually; or
- (c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or
- (d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent;

(13) Award possession and care of any pet, along with any moneys necessary to cover medical costs that may have resulted from abuse of the pet.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further domestic violence. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

9. (1) The court may, in order to ensure that a petitioner can maintain an existing wireless telephone number or numbers, issue an order, after notice and an opportunity to be heard, directing a wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless service account holder.

(2) (a) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to the petitioner shall list the name and billing telephone number of the account holder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred to that person. The court shall ensure that the contact information of the petitioner is not provided to the account holder in proceedings held under this chapter.

(b) Upon issuance, a copy of the full order of protection shall be transmitted, either electronically or by certified mail, to the wireless service provider's registered agent listed with the secretary of state, or electronically to the email address provided by the wireless service provider. Such transmittal shall constitute adequate notice for the wireless service provider acting under this section and section 455.523.

(c) If the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances, the wireless service provider shall notify the petitioner within three business days. Such circumstances shall include, but not be limited to, the following:

- a. The account holder has already terminated the account;
- b. The differences in network technology prevent the functionality of a device on the network; or
- c. There are geographic or other limitations on network or service availability.

(3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers, monthly service costs, and costs for any mobile device associated with the wireless telephone number or numbers.

(b) This section shall not preclude a wireless service provider from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility for a wireless telephone number or numbers and any devices attached to that number or numbers including, but not limited to, identification, financial information, and customer preferences.

(4) This section shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law, or the ability to determine the temporary use, possession, and control of personal property.

(5) No cause of action shall lie against any wireless service provider, its officers, employees, or agents, for actions taken in accordance with the terms of a court order issued under this section.

(6) As used in this section and section 455.523, a "wireless service provider" means a provider of commercial mobile service under Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151, et seq.).

455.513. EX PARTE ORDERS, ISSUED IMMEDIATELY, WHEN — FOR GOOD CAUSE SHOWN, DEFINED — INVESTIGATION BY CHILDREN'S DIVISION, WHEN — REPORT DUE WHEN, AVAILABLE TO WHOM — TRANSFER TO JUVENILE COURT, WHEN. — 1. The court may immediately issue an ex parte order of protection upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that:

- (1) No prior order regarding custody involving the respondent and the child is pending or has been made; or
- (2) The respondent is less than seventeen years of age.

An immediate and present danger of domestic violence, **including danger to the child's pet**, stalking, or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court may issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

455.520. TEMPORARY RELIEF AVAILABLE — EX PARTE ORDERS. — 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence, **including danger to the child's pet**, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the victim's safety, including but not limited to:

- (1) Restraining the respondent from committing or threatening to commit domestic violence, stalking, sexual assault, molesting, or disturbing the peace of the victim;
- (2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;
- (3) Restraining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court;
- (4) A temporary order of custody of minor children;
- (5) A temporary order of possession of pets where appropriate.**

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

- (1) The order is in the best interests of the child or children remaining in the home;
- (2) The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and
- (3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

455.523. FULL ORDER OF PROTECTION — RELIEF AVAILABLE. — 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence, **including danger to the child's pet**, stalking, and sexual assault may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

- (1) Temporarily enjoining the respondent from committing domestic violence or sexual assault, threatening to commit domestic violence or sexual assault, stalking, molesting, or disturbing the peace of the victim;
- (2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;
- (3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

- (1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;
- (2) Award visitation;
- (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
- (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;
- (5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

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(6) Order the respondent to participate in a court-approved counseling program designed to help stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence;

(9) Order a wireless service provider, in accordance with the process, provisions, and requirements set out in subdivisions (1) to (6) of subsection 9 of section 455.050, to transfer the billing responsibility for and rights to the wireless telephone number or numbers of any minor children in the petitioner's care to the petitioner, if the petitioner is not the wireless service account holder;

(10) Award possession and care of any pet, along with any moneys necessary to cover medical costs that may have resulted from abuse of the pet.

475.120. GENERAL POWERS AND DUTIES OF GUARDIAN OF THE PERSON — SOCIAL SERVICE AGENCY ACTING ON BEHALF OF WARD, REQUIREMENTS — PRENEED FUNERAL CONTRACT PERMITTED, WHEN. — 1. The guardian of the person of a minor shall be entitled to the custody and control of the ward and shall provide for the ward's education, support, and maintenance.

2. A guardian or limited guardian of an incapacitated person shall act in the best interest of the ward. A limited guardian of an incapacitated person shall have the powers and duties enumerated by the court in the adjudication order or any later modifying order.

3. **Except as otherwise limited by the court, a guardian shall make decisions regarding the adult ward's support, care, education, health, and welfare. A guardian shall exercise authority only as necessitated by the adult ward's limitations and, to the extent possible, shall encourage the adult ward to participate in decisions, act on the adult ward's own behalf, and develop or regain the capacity to manage the adult ward's personal affairs.** The general powers and duties of a guardian of an incapacitated person [shall be to take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support and maintenance; and the powers and duties] shall include, but not be limited to, the following:

(1) Assure that the ward resides in the best and least restrictive setting reasonably available;

(2) Assure that the ward receives medical care and other services that are needed;

(3) Promote and protect the care, comfort, safety, health, and welfare of the ward;

(4) Provide required consents on behalf of the ward;

(5) To exercise all powers and discharge all duties necessary or proper to implement the provisions of this section.

4. A guardian of an adult or minor ward is not obligated by virtue of such guardian's appointment to use the guardian's own financial resources for the support of the ward. If the ward's estate and available public benefits are inadequate for the proper care of the ward, the guardian or conservator may apply to the county commission pursuant to section 475.370.

5. No guardian of the person shall have authority to seek admission of the guardian's ward to a mental health or intellectual disability facility for more than thirty days for any purpose without court order except as otherwise provided by law.

6. Only the director or chief administrative officer of a social service agency serving as guardian of an incapacitated person, or such person's designee, is legally authorized to act on behalf of the ward.

7. A social service agency serving as guardian of an incapacitated person shall notify the court within fifteen days after any change in the identity of the professional individual who has primary responsibility for providing guardianship services to the incapacitated person.

8. Any social service agency serving as guardian may not provide other services to the ward.

9. In the absence of any written direction from the ward to the contrary, a guardian may execute a preneed contract for the ward's funeral services, including cremation, or an irrevocable life insurance

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policy to pay for the ward's funeral services, including cremation, and authorize the payment of such services from the ward's resources. Nothing in this section shall interfere with the rights of next-of-kin to direct the disposition of the body of the ward upon death under section 194.119. If a preneed arrangement such as that authorized by this subsection is in place and no next-of-kin exercises the right of sepulcher within ten days of the death of the ward, the guardian may sign consents for the disposition of the body, including cremation, without any liability therefor. A guardian who exercises the authority granted in this subsection shall not be personally financially responsible for the payment of services.

[10. Except as otherwise limited by the court, a guardian shall make decisions regarding the adult ward's support, care, education, health, and welfare. A guardian shall exercise authority only as necessitated by the adult ward's limitations and, to the extent possible, shall encourage the adult ward to participate in decisions, act on the adult ward's own behalf, and develop or regain the capacity to manage the adult ward's personal affairs.]

479.162. MUNICIPAL ORDINANCE VIOLATIONS, NO CHARGE OR FEE FOR POLICE REPORTS OR OTHER DOCUMENTS OR VIDEOS, WHEN. — **Notwithstanding any provision of law, supreme court rule, or court operating rule, in a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of fifteen days or more in jail or confinement, a defendant shall not be charged any fee for obtaining a police report, probable cause statement, or any video relevant to the traffic stop or arrest. Such police report, probable cause statement, or video shall be provided by the prosecutor upon written request by the defendant for discovery.**

488.016. VETERANS, WAIVER OF COSTS, WHEN. — **Notwithstanding any supreme court rule or any provision of law to the contrary, costs shall be fully waived for any person who is an honorably discharged veteran of any branch of the Armed Forces of the United States and who successfully completes a veterans treatment court, as defined under section 478.001.**

488.029. SURCHARGE FOR CRIME LAB ANALYSIS OF CONTROLLED SUBSTANCES, DEPOSIT OF MONEYS IN STATE FORENSIC LABORATORY ACCOUNT. — There shall be assessed and collected a surcharge of one hundred fifty dollars in all criminal cases for any violation of chapter [195] 579 in which a crime laboratory makes analysis of a controlled substance, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state or when a criminal proceeding or the defendant has been dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All such moneys shall be payable to the director of revenue, who shall deposit all amounts collected pursuant to this section to the credit of the state forensic laboratory account to be administered by the department of public safety pursuant to section 650.105.

491.016. OTHERWISE INADMISSIBLE WITNESS STATEMENT ADMISSIBLE IN CRIMINAL PROCEEDING, WHEN. — **1. A statement made by a witness that is not otherwise admissible is admissible in evidence in a criminal proceeding as substantive evidence to prove the truth of the matter asserted if, after a hearing, the court finds, by a preponderance of the evidence, that:**

- (1) The defendant engaged in or acquiesced to wrongdoing with the purpose of causing the unavailability of the witness;**
- (2) The wrongdoing in which the defendant engaged or acquiesced has caused or substantially contributed to cause the unavailability of the witness;**

(3) The state exercised due diligence to secure by subpoena or other means the attendance of the witness at the proceeding, or the witness is unavailable because the defendant caused or acquiesced in the death of the witness; and

(4) The witness fails to appear at the proceeding.

2. In a jury trial, the hearing and finding to determine the admissibility of the statement shall be held and found outside the presence of the jury and before the case is submitted to the jury.

545.940. DEFENDANT MAY BE TESTED FOR VARIOUS SERIOUS INFECTIOUS OR COMMUNICABLE DISEASES, WHEN. — 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown, in any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under chapter 566 or section 565.050, assault in the first degree; section 565.052 or 565.060, assault in the second degree; section 565.054 or 565.070, assault in the third degree; section 565.056, assault in the fourth degree; section 565.072, domestic assault in the first degree; section 565.073, domestic assault in the second degree; section 565.074, domestic assault in the third degree; section 565.075, assault while on school property; section 565.076, domestic assault in the fourth degree; section 565.081, 565.082, or 565.083, assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first, second, or third degree; section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first degree; section 568.050, endangering the welfare of a child in the second degree; section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest; or [paragraph (a), (b), or (c), of] subdivision (2) **or (3)** of subsection [1] 2 of section 191.677, **knowingly or** recklessly exposing a person to [HIV] **a serious infectious or communicable disease**, the court may order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of such tests shall be released to the victim and his or her parent or legal guardian if the victim is a minor. The results of such tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test results shall be sealed in the court file.

2. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

546.265. CRIMINAL ACTIVITY REPORTING TO CRIME STOPPERS ORGANIZATION, PRIVILEGED COMMUNICATION NOT SUBJECT TO DISCLOSURE — IN CAMERA INSPECTION PERMITTED, WHEN. — 1. As used in this section, the following terms mean:

(1) "Crime stoppers organization", a private, not-for-profit organization that collects and expends donations for rewards to persons who report to the organization information concerning criminal activity and that forwards such information to appropriate law enforcement agencies;

(2) "Privileged communication", information by an anonymous person to a crime stoppers organization for the purpose of reporting alleged criminal activity.

2. No person shall be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on behalf of a crime stoppers organization or to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication:

(1) In connection with any criminal case or proceeding; or

(2) By way of any discovery procedure.

3. Any person arrested or charged with a criminal offense may petition the court for an in camera inspection of the records of a privileged communication concerning the report such

person made to a crime stoppers organization. The petition shall allege facts showing that such records would provide evidence favorable to the defendant and relevant to the issue of guilt or punishment. If the court determines that the person is entitled to all or any part of such records, the court may order production and disclosure as the court deems appropriate.

547.031. INFORMATION OF INNOCENCE OF CONVICTED PERSON — PROSECUTING OR CIRCUIT ATTORNEY MAY FILE TO VACATE OR SET ASIDE JUDGMENT — PROCEDURE. — 1. A prosecuting or circuit attorney, in the jurisdiction in which a person was convicted of an offense, may file a motion to vacate or set aside the judgment at any time if he or she has information that the convicted person may be innocent or may have been erroneously convicted. The circuit court in which the person was convicted shall have jurisdiction and authority to consider, hear, and decide the motion.

2. Upon the filing of a motion to vacate or set aside the judgment, the court shall order a hearing and shall issue findings of fact and conclusions of law on all issues presented. The attorney general shall be given notice of hearing of such a motion by the circuit clerk and shall be permitted to appear, question witnesses, and make arguments in a hearing of such a motion.

3. The court shall grant the motion of the prosecuting or circuit attorney to vacate or set aside the judgment where the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea that undermines the confidence in the judgment. In considering the motion, the court shall take into consideration the evidence presented at the original trial or plea; the evidence presented at any direct appeal or post-conviction proceedings, including state or federal habeas actions; and the information and evidence presented at the hearing on the motion.

4. The prosecuting attorney or circuit attorney shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The attorney general may file a motion to intervene and, in addition to such motion, file a motion to dismiss the motion to vacate or to set aside the judgment in any appeal filed by the prosecuting or circuit attorney.

549.500. DOCUMENTS OF BOARD OR DIVISION TO BE PRIVILEGED — EXCEPTIONS — INSPECTION. — All documents prepared or obtained in the discharge of official duties by any member or employee of the [board of probation and] parole **board or employee of the division of probation and parole** shall be privileged and shall not be disclosed directly or indirectly to anyone other than members of the **parole** board and other authorized employees of the department pursuant to section 217.075. The **parole** board may at its discretion permit the inspection of the report or parts thereof by the offender or his or her attorney or other persons having a proper interest therein.

557.051. PROGRAM FOR PERPETRATORS OF SEXUAL OFFENSES, PARTICIPATION REQUIRED, WHEN — RESTRICTIONS FOR PERSONS PROVIDING ASSESSMENTS AND REPORTS, PENALTY FOR VIOLATION, EXCEPTION. — 1. A person who has been found guilty of an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, and who is granted a suspended imposition or execution of sentence or placed under the supervision of the [board] **division** of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program under this section shall be required to follow all directives of the treatment program provider, and may be charged a reasonable fee to cover the costs of such program.

2. A person who provides assessment services or who makes a report, finding, or recommendation for any offender to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation following a finding of guilt for an offense under chapter 566, or

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any sex offense involving a child under chapter 568 or 573, shall not be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. A person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the [state board] **division** of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the [state board] **division** of probation and parole or any office thereof.

3. The provisions of subsection 2 of this section shall not apply when the department of corrections has identified only one qualified service provider within reasonably accessible distance from the offender or when the only providers available within a reasonable distance are related within the third degree of consanguinity or affinity to any person who has a financial interest in the service provider.

558.011. SENTENCE OF IMPRISONMENT, TERMS — CONDITIONAL RELEASE. — 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;

(3) For a class C felony, a term of years not less than three years and not to exceed ten years;

(4) For a class D felony, a term of years not to exceed seven years;

(5) For a class E felony, a term of years not to exceed four years;

(6) For a class A misdemeanor, a term not to exceed one year;

(7) For a class B misdemeanor, a term not to exceed six months;

(8) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the [board of probation and] parole **board** pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the [board of probation and] parole **board**, subject to conditions of release that the **parole** board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the [state board] **division** of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the **parole** board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the [board of probation and] parole **board**. The director of any division of the department of corrections except the [board] **division** of probation and parole may file with the [board of probation and] parole **board** a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the [board of probation and] parole **board** shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the **parole** board and for the **parole** board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a **parole** board decision has not been reached, the offender shall be released conditionally. The decision of the **parole** board shall be final.

558.026. CONCURRENT AND CONSECUTIVE TERMS OF IMPRISONMENT. — 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

- (1) Rape in the first degree, forcible rape, or rape;
- (2) Statutory rape in the first degree;
- (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- (4) Statutory sodomy in the first degree; or
- (5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently.

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his **or her** conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his **or her** sentence within the department of

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corrections of the state of Missouri, except that a personal hearing before the [board of probation and] parole **board** shall not be required for parole consideration.

558.031. CALCULATION OF TERMS OF IMPRISONMENT — CREDIT FOR JAIL TIME AWAITING TRIAL. — 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced.

2. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after [the offense occurred] **conviction** and before the commencement of the sentence, when the time in custody was related to that offense, **and the circuit court may, when pronouncing sentence, award credit for time spent in prison, jail, or custody after the offense occurred and before conviction toward the service of the sentence of imprisonment,** except:

- (1) Such credit shall only be applied once when sentences are consecutive;
- (2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and
- (3) As provided in section 559.100.

[2.] 3. The officer required by law to deliver a person convicted of an offense in this state to the department of corrections shall endorse upon the papers required by section 217.305 both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer.

[3.] 4. If a person convicted of an offense escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred.

[4.] 5. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

[5.] 6. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the [board of probation and] parole **board** revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole.

7. Subsection 2 of this section shall be applicable to offenses occurring on or after August 28, 2021.

558.046. REDUCTION OF TERM OF SENTENCE, CONDITIONS. — The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the [state board of probation and] parole **board** if the court determines that:

- (1) The convicted person was:
 - (a) Convicted of an offense that did not involve violence or the threat of violence; and
 - (b) Convicted of an offense that involved alcohol or illegal drugs; and
- (2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and
- (3) The convicted person is not:

- (a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or
- (b) A persistent sexual offender as defined in section 566.125; or
- (c) A prior offender, a persistent offender or a class X offender as defined in section 558.019.

559.026. DETENTION CONDITION OF PROBATION. — Except in infraction cases, when probation is granted, the court, in addition to conditions imposed pursuant to section 559.021, may require as a condition of probation that the offender submit to a period of detention up to forty-eight hours after the determination by a probation or parole officer that the offender violated a condition of continued probation or parole in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate, or the [board] **division** of probation and parole shall direct. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, even though he **or she** was not convicted and sentenced to a jail or workhouse.

(1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of thirty days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558.

(2) In felony cases, the period of detention under this section shall not exceed one hundred twenty days.

(3) If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, half-way house, honor center, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.

559.105. RESTITUTION MAY BE ORDERED, WHEN — LIMITATION ON RELEASE FROM PROBATION — AMOUNT OF RESTITUTION. — 1. Any person who has been found guilty of or has pled guilty to an offense may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to a victim's reasonable expenses to participate in the prosecution of the crime.

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole shall be required, as a condition of parole, to make restitution pursuant to this section. The [board of probation and] parole **board** shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.

559.106. LIFETIME SUPERVISION OF CERTAIN SEXUAL OFFENDERS — ELECTRONIC MONITORING — TERMINATION AT AGE SIXTY-FIVE PERMITTED, WHEN. — 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has been found guilty of an offense in:

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(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, [566.212, 566.213] **566.210, 566.211**, 568.020, [568.080, or 568.090] **573.200, or 573.205**, based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years of age and the offender is a prior sex offender as defined in subsection 2 of this section;

the court shall order that the offender be supervised by the [board] **division** of probation and parole for the duration of his or her natural life.

2. For the purpose of this section, a prior sex offender is a person who has previously been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.115. APPEALS, PROBATION NOT TO BE GRANTED, WHEN — PROBATION GRANTED AFTER DELIVERY TO DEPARTMENT OF CORRECTIONS, TIME LIMITATION, ASSESSMENT — ONE HUNDRED TWENTY DAY PROGRAM — NOTIFICATION TO STATE, WHEN, HEARING — NO PROBATION IN CERTAIN CASES. — 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the shock incarceration program or institutional treatment program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the [board] **division** of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the

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department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal. The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C, class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 566.125, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section 566.125; or any offense in which there exists a statutory prohibition against either probation or parole.

559.120. PROBATION MAY BE GRANTED, WHEN — COMMUNITY-BASED TREATMENT PROGRAM PARTICIPATION, WHEN. — The circuit court may place a defendant on probation and require his or her participation in a program established pursuant to section 217.777 if, having regard to the nature and circumstances of the offense and to the history and character of the defendant, the court is of the opinion that:

(1) Traditional institutional confinement of the defendant is not necessary for the protection of the public, given adequate supervision; and

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(2) The defendant is in need of guidance, training, or other assistance, which, in his or her case, can be effectively administered through participation in a community-based treatment program.

If the court holds such opinions and further finds that the defendant is the primary caregiver of one or more dependent children, the court shall consider requiring the defendant to participate in a community-based treatment program.

559.125. RECORD OF APPLICATIONS FOR PROBATION OR PAROLE TO BE KEPT — INFORMATION TO BE PRIVILEGED — EXCEPTIONS. — 1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the [state board] **division** of probation and parole, a copy of the order shall be sent to the [board] **division of probation and parole**. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that **parole** board.

2. Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, **the division of probation and parole**, or the **parole** board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

559.600. MISDEMEANOR PROBATION MAY BE PROVIDED BY CONTRACT WITH PRIVATE ENTITIES, NOT TO EXCLUDE BOARD OF PROBATION AND PAROLE — DRUG TESTING — TRAVEL LIMITS. — 1. In cases where the [board of probation and parole] **division of probation and parole** is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the [board] **division** of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

2. In all cases, the entity providing such private probation service shall utilize the cutoff concentrations utilized by the department of corrections with regard to drug and alcohol screening for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff concentration or negative if no drug is detected or if drug presence is below the cutoff concentration.

3. In all cases, the entity providing such private probation service shall not require the clients assigned to such entity to travel in excess of fifty miles in order to attend their regular probation meetings.

559.602. PRIVATE ENTITIES TO MAKE APPLICATION TO CIRCUIT COURT TO PROVIDE MISDEMEANOR PROBATION — CONTRACT CONTENT — PROCEDURE — WITHDRAWAL OF BOARD, WHEN. — A private entity seeking to provide probation supervision and rehabilitation services to misdemeanor offenders shall make timely written application to the judges in a circuit. When approved by the judges of a circuit, the application, the judicial order of approval and the contract shall be forwarded to the [board] **division** of probation and parole. The contract shall contain the responsibilities of the private entity, including the offenses for which persons will be supervised. The [board] **division** may then withdraw supervision of misdemeanor offenders which are to be supervised by the court-approved private entity in that circuit.

559.607. MUNICIPAL ORDINANCE VIOLATIONS, PROBATION MAY BE CONTRACTED FOR BY MUNICIPAL COURTS, PROCEDURE — COST TO BE PAID BY OFFENDERS, EXCEPTIONS. — 1. Judges of the municipal division in any circuit, acting through a chief or presiding judge, either may contract with a private or public entity or may employ any qualified person to serve as the city's probation officer to provide probation and rehabilitation services for persons placed on probation for violation of any ordinance of the city, specifically including the offense of operating or being in physical control of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any part of the cost of probation and rehabilitation services authorized under sections 559.600 to 559.615. Persons found guilty or pleading guilty to ordinance violations and placed on probation by municipal or city court judges shall contribute a service fee to the court in the amount set forth in section 559.604 to pay the cost of their probation supervision provided by a probation officer employed by the court or by a contract probation officer as provided for in section 559.604.

2. When approved by municipal court judges in the municipal division, the application, judicial order of approval, and the contract shall be forwarded to and filed with the [board] **division** of probation and parole. The court-approved private or public entity or probation officer employed by the court shall then function as the probation office for the city, pursuant to the terms of the contract or conditions of employment and the terms of probation ordered by the judge. Any city in this state which presently does not have probation services available for persons convicted of its ordinance violations, or that contracts out those services with a private entity, may, under the procedures authorized in sections 559.600 to 559.615, contract with and continue to contract with a private entity or employ any qualified person and contract with the municipal division to provide such probation supervision and rehabilitation services.

565.058. SPECIAL VICTIMS — CONFIDENTIALITY OF ADDRESS OR PLACE OF RESIDENCE — USE OF INITIALS IN PETITION. — 1. **Any special victim as defined under section 565.002 shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.**

2. **Any special victim as defined under section 565.002 may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.**

565.240. UNLAWFUL POSTING OF CERTAIN INFORMATION OVER THE INTERNET, OFFENSE OF — VIOLATION, PENALTY. — 1. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, [or] telephone number, **or any other personally identifiable information** of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person.

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2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor, **unless the person knowingly posts on the internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to cause great bodily harm or death, or threatening to cause great bodily harm or death, in which case it is a class E felony.**

566.145. SEXUAL CONDUCT IN THE COURSE OF PUBLIC DUTY, OFFENSE OF — DEFINITIONS — VIOLATION, PENALTY — CONSENT NOT A DEFENSE. — 1. A person commits the offense of sexual conduct **in the course of public duty if the person engages in sexual conduct:**

(1) With a **detainee, a prisoner, or an offender** [if he or she] **and the person:**

[(1)] (a) Is an employee of, or assigned to work in, any jail, prison or correctional facility and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or correctional facility; [or

(2)] (b) Is a probation and parole officer and engages in sexual conduct with an offender who is under the direct supervision of the officer; **or**

(c) **Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner who is in the custody of such officer; or**

(2) **With someone who is not a detainee, a prisoner, or an offender and the person is:**

(a) **A probation and parole officer, a police officer, or an employee of, or assigned to work in, any jail, prison, or correctional facility;**

(b) **On duty; and**

(c) **The offense was committed by means of coercion as defined in section 566.200.**

2. For the purposes of this section the following terms shall mean:

(1) **"Detainee", a person deprived of liberty and kept under involuntary restraint, confinement, or custody;**

(2) "Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the [state board] **division** of probation and parole;

[(2)] (3) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.

3. The offense of sexual conduct [with a prisoner or offender] **in the course of public duty** is a class E felony.

4. Consent of a **detainee, a prisoner** [or], **an offender, or any other person** is not a defense.

571.030. UNLAWFUL USE OF WEAPONS, OFFENSE OF — EXCEPTIONS — VIOLATION, PENALTIES. — 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; **or**

(2) Sets a spring gun; **or**

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; **or**

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; **or**

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a

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negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the [board of probation and] parole **board**;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. A person who commits the crime of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed

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in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

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(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

574.110. USING A LASER POINTER, OFFENSE OF — VIOLATION, PENALTY. — 1. A person commits the offense of using a laser pointer if such person knowingly directs a light from a laser pointer at a uniformed safety officer, including a peace officer as defined under section 590.010, security guard, firefighter, emergency medical worker, or other uniformed municipal, state, or federal officer.

2. As used in this section, "laser pointer" means a device that emits a visible light amplified by the stimulated emission of radiation.

3. The offense of using a laser pointer is a class A misdemeanor.

574.203. INTERFERENCE WITH A HEALTH CARE FACILITY, OFFENSE OF — WORKPLACE VIOLENCE, HOSPITAL DUTIES — VIOLATION, PENALTY. — 1. Except as otherwise protected by state or federal law, a person, excluding individuals seeking mental health, psychiatric, or psychological care or any person who is developmentally disabled as defined in section 630.005, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by:

(1) Causing a peace disturbance while inside a health care facility;

(2) Refusing an order to vacate a health care facility when requested to by any employee of the health care facility; or

(3) Threatening to inflict injury on the patients or employees, or damage to the property of a health care facility.

2. Hospital policies shall address incidents of workplace violence against employees, including protecting an employee from retaliation when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a violent incident occurs.

3. The offense of interference with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

4. As used in this section, "health care facility" means a hospital that provides health care services directly to patients.

575.155. ENDANGERING A CORRECTIONS EMPLOYEE, OFFENSE OF — DEFINITIONS — VIOLATION, PENALTIES. — 1. An offender or prisoner commits the offense of endangering a corrections employee, a visitor to a correctional center, county or city jail, or another offender or prisoner if he or she attempts to cause or knowingly causes such person to come into contact with blood, seminal fluid, urine, feces, or saliva.

2. For the purposes of this section, the following terms mean:

(1) "Corrections employee", a person who is an employee, or contracted employee of a subcontractor, of a department or agency responsible for operating a jail, prison, correctional facility, or sexual offender treatment center or a person who is assigned to work in a jail, prison, correctional facility, or sexual offender treatment center;

(2) "Offender", a person in the custody of the department of corrections;

(3) "Prisoner", a person confined in a county or city jail;

(4) **"Serious infectious or communicable disease", the same meaning given to the term in section 191.677.**

3. The offense of endangering a corrections employee, a visitor to a correctional center, county or city jail, or another offender or prisoner is a class E felony unless the substance is unidentified in which case it is a class A misdemeanor. If an offender or prisoner is knowingly infected with [the human immunodeficiency virus (HIV), hepatitis B or hepatitis C] **a serious infectious or communicable disease** and exposes another person to [HIV or hepatitis B or hepatitis C] **such serious infectious or communicable disease** by committing the offense of endangering a corrections employee, a visitor to a correctional center, county or city jail, or another offender or prisoner **and the nature of the exposure to the bodily fluid has been scientifically shown to be a means of transmission of the serious infectious or communicable disease**, it is a class D felony.

575.157. ENDANGERING A MENTAL HEALTH EMPLOYEE, VISITOR, OR ANOTHER OFFENDER, OFFENSE OF — DEFINITIONS — VIOLATION, PENALTIES. — 1. An offender commits the offense of endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender if he or she attempts to cause or knowingly causes such individual to come into contact with blood, seminal fluid, urine, feces, or saliva.

2. For purposes of this section, the following terms mean:

(1) "Department of mental health employee", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity responsible for confining offenders as authorized by section 632.495;

(2) "Offender", persons ordered to the department of mental health after a determination by the court that such persons may meet the definition of a sexually violent predator, persons ordered to the department of mental health after a finding of probable cause under section 632.489, and persons committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity responsible for confining offenders as authorized by section 632.495;

(4) **"Serious infectious or communicable disease", the same meaning given to the term in section 191.677.**

3. The offense of endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender is a class E felony. If an offender is knowingly infected with [the human immunodeficiency virus (HIV), hepatitis B, or hepatitis C] **a serious infectious or communicable disease** and exposes another individual to [HIV or hepatitis B or hepatitis C] **such serious infectious or communicable disease** by committing the offense of endangering a department of mental health employee, a visitor or other person at a mental health facility, or another offender **and the nature of the exposure to the bodily fluid has been scientifically shown to be a means of transmission of the serious infectious or communicable disease**, the offense is a class D felony.

575.180. FAILURE TO EXECUTE AN ARREST WARRANT, OFFENSE OF — VIOLATION, PENALTIES — AFFIRMATIVE DEFENSE. — 1. A law enforcement officer commits the offense of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he or she fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which he or she is authorized and required by law to execute.

2. The offense of failure to execute an arrest warrant is a class A misdemeanor, unless the offense involved is a felony, in which case failure to execute an arrest warrant is a class E felony.

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

3. It shall be an affirmative defense to prosecution under this section that the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense under chapter 301, 302, 304, or 307 or a misdemeanor traffic offense in another state.

575.205. TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT, OFFENSE OF — VIOLATION, PENALTY. — 1. A person commits the offense of tampering with electronic monitoring equipment if he or she intentionally removes, alters, tampers with, damages, or destroys electronic monitoring equipment which a court, **the division of probation and parole** or the [board of probation and] parole **board** has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The offense of tampering with electronic monitoring equipment is a class D felony.

575.206. VIOLATING A CONDITION OF LIFETIME SUPERVISION, OFFENSE OF — VIOLATION, PENALTY. — 1. A person commits the offense of violating a condition of lifetime supervision if he or she knowingly violates a condition of probation, parole, or conditional release when such condition was imposed by an order of a court under section 559.106 or an order of the [board of probation and] parole **board** under section 217.735.

2. The offense of violating a condition of lifetime supervision is a class D felony.

589.042. ACCESS TO PERSONAL HOME COMPUTER, AUTHORITY TO REQUIRE REGISTERED SEXUAL OFFENDERS TO PROVIDE AS CONDITION OF PROBATION. — The court or the [board of probation and] parole **board** shall have the authority to require a person who is required to register as a sexual offender under sections 589.400 to 589.425 to give his or her assigned probation or parole officer access to his or her personal home computer as a condition of probation or parole in order to monitor and prevent such offender from obtaining and keeping child pornography or from committing an offense under chapter 566. Such access shall allow the probation or parole officer to view the internet use history, computer hardware, and computer software of any computer, including a laptop computer, that the offender owns.

590.030. BASIC TRAINING, MINIMUM STANDARDS ESTABLISHED — AGE, CITIZENSHIP AND EDUCATION REQUIREMENTS ESTABLISHED BY DIRECTOR — ISSUANCE OF A LICENSE — FEDERAL RAP BACK PROGRAM, AGENCIES TO ENROLL. — 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. Such general education requirements shall require completion of a high school program of education under chapter 167 or obtainment of a General Educational Development (GED) certificate.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

(1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; [and]

(2) Maintain a current address of record on file with the director; **and**

(3) Submit to being fingerprinted on or before January 1, 2022, and at any time a peace officer is commissioned with a different law enforcement agency, for the purpose of a criminal history background check and enrollment in the state and federal Rap Back programs, pursuant to section 43.540. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the officer's commissioning law enforcement agency at the time of enrollment and Rap Back enrollment shall be for the purpose of the requirements of subsection 3 of section 590.070 and subsection 2 of section 590.118. An officer shall take all necessary steps to maintain enrollment in Rap Back at all law enforcement agencies where the officer is commissioned for as long as the officer is commissioned with that agency.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.

7. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022, and continue to remain enrolled. The law enforcement agency shall take all necessary steps to maintain officer enrollment for all officers commissioned with that agency in the Rap Back programs. An officer shall submit to being fingerprinted at any law enforcement agency upon commissioning and for as long as the officer is commissioned with that agency.

590.070. COMMISSIONING AND DEPARTURE OF PEACE OFFICERS, DIRECTOR TO BE NOTIFIED — IMMUNITY FROM LIABILITY, CHIEF EXECUTIVE OFFICER, WHEN. — 1. The chief executive officer of each law enforcement agency shall, within thirty days after commissioning any peace officer, notify the director on a form to be adopted by the director. The director may require the chief executive officer to conduct a current criminal history background check and to forward the resulting report to the director.

2. The chief executive officer of each law enforcement agency shall, within thirty days after any licensed peace officer departs from employment or otherwise ceases to be commissioned, notify the director on a form to be adopted by the director. Such notice shall state the circumstances surrounding the departure from employment or loss of commission and shall specify any of the following that apply:

- (1) The officer failed to meet the minimum qualifications for commission as a peace officer;
- (2) The officer violated municipal, state or federal law;
- (3) The officer violated the regulations of the law enforcement agency; or
- (4) The officer was under investigation for violating municipal, state or federal law, or for gross violations of the law enforcement agency regulations.

3. Whenever the chief executive officer of a law enforcement agency has reasonable grounds to believe that any peace officer commissioned by the agency is subject to discipline pursuant to section 590.080, the chief executive officer shall report such knowledge to the director.

4. Notwithstanding any other provision of law to the contrary, the chief executive officer of each law enforcement agency has absolute immunity from suit for compliance with this section, unless the chief executive officer presented false information to the director with the intention of causing reputational harm to the peace officer.

590.075. CANDIDATES FOR COMMISSIONING, CHIEF EXECUTIVE OFFICER TO REQUEST COPY OF NOTIFICATIONS UNDER 590.070 — CERTIFIED COPY PRIOR TO COMMISSIONING. —

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

The chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the director of all notifications received pursuant to section 590.070 and the director shall provide all notifications stored electronically to the chief executive officer who requested the notifications within three business days after receipt of request. If the director receives any additional notifications regarding the candidate for commissioning within sixty days of a chief executive officer's request under this section, a copy of such notifications shall be forwarded by the director to the requesting chief executive officer within three business days following receipt.

590.192. CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM, PURPOSE — SERVICES TO BE PROVIDED — REQUIREMENTS — CONFIDENTIALITY OF INFORMATION — FUND CREATED, USE OF MONEYS. — 1. There is hereby established the "Critical Incident Stress Management Program" within the department of public safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident. For purposes of this section, a "critical incident" shall mean any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

2. All peace officers shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer that he or she completed such check-in.

3. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer unless:

(1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person;

(2) The person who received the services provides written consent to the disclosure; or

(3) The person receiving services discloses information that is required to be reported under mandatory reporting laws.

4. (1) There is hereby created in the state treasury the "988 Public Safety Fund", which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers pursuant to subsection 1 of this section. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident. The director of public safety may prescribe rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

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Matter in bold-face type is proposed language.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

590.805. RESPIRATORY CHOKE-HOLD, LIMITATION ON USE OF. — 1. A law enforcement officer shall not knowingly use a respiratory choke-hold unless the use is in defense of the officer or another from serious physical injury or death.

2. A respiratory choke-hold includes the use of any body part or object to attempt to control or disable by applying pressure to a person's neck with the purpose of controlling or restricting such person's breathing.

590.1265. CITATION OF LAW — DEFINITIONS — USE-OF FOR INCIDENTS REPORTING, STANDARDS AND PROCEDURES — PUBLICATION OF REPORT DATA — ANALYSIS REPORT. — 1. The provisions of this section shall be known and may be cited as the "Police Use of Force Transparency Act of 2021".

2. For purposes of this section, the following terms mean:

(1) "Law enforcement agency", the same meaning as defined in section 590.1040;

(2) "Peace officer", the same meaning as defined in section 590.010;

(3) "Serious physical injury", the same meaning as defined in section 556.061;

(4) "Use-of-force incident", an incident in which:

(a) A fatality occurs that is connected to a use of force by a peace officer;

(b) Serious bodily injury occurs that is connected to a use of force by a peace officer; or

(c) In the absence of death or serious physical injury, a peace officer discharges a firearm at, or in the direction of, a person.

3. Starting on March 1, 2022, and at least annually thereafter, each law enforcement agency shall collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports.

4. Each law enforcement agency shall additionally report the data submitted under subsection 3 of this section to the department of public safety. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports.

5. The department of public safety shall, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data under this section. The standards and procedures shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the Federal Bureau of Investigation.

6. By March 1, 2023, and at least annually thereafter, the department of public safety shall publish the data reported by law enforcement agencies under subsection 4 of this section, including statewide aggregate data and agency-specific data, in a publicly available report on the department of public safety's website. Such data shall be deemed a public record consistent with the provisions and exemptions contained in chapter 610.

7. The department of public safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report shall be updated periodically thereafter, but not less than once every five years.

610.120. RECORDS TO BE CONFIDENTIAL — ACCESSIBLE TO WHOM, PURPOSES. — 1. Except as otherwise provided under section 610.124, records required to be closed shall not be

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destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and chapter 43. Closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, **and** private investigators, [and persons seeking permits to purchase or possess a firearm]; those agencies authorized by chapter 43 and applicable state law when submitting fingerprints to the central repository; the sentencing advisory commission created in section 558.019 for the purpose of studying sentencing practices in accordance with chapter 43; to qualified entities for the purpose of screening providers defined in chapter 43; the department of revenue for driver license administration; the department of public safety for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

2. These records shall be made available only for the purposes and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with section 43.509. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

610.122. ARREST RECORD EXPUNGED, REQUIREMENTS. — 1. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503 may be expunged if:

(1) The court determines that the arrest was based on false information and the following conditions exist:

(a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

(b) No charges will be pursued as a result of the arrest; and

(c) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; or

(2) The court determines the person was arrested for, or was subsequently charged with, a misdemeanor offense of chapter 303 or any moving violation as the term moving violation is defined under section 302.010, except for any intoxication-related traffic offense as intoxication-related traffic offense is defined under section 577.023 and:

(a) Each such offense or violation related to the arrest was subsequently nolle prossed or dismissed, or the accused was found not guilty of each offense or violation; and

(b) The person is not a commercial driver's license holder and was not operating a commercial motor vehicle at the time of the arrest.

2. A record of arrest shall only be eligible for expungement under this section if]:

(1) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions; and

(2)] no civil action is pending relating to the arrest or the records sought to be expunged.

610.140. EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS, PETITION, CONTENTS, PROCEDURE — EFFECT OF EXPUNGEMENT ON EMPLOYER INQUIRY — LIFETIME LIMITS. — 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061;
- (3) Any offense that requires registration as a sex offender;
- (4) Any felony offense where death is an element of the offense;
- (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
- (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090, 570.180, 570.223, 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
- (7) Any offense eligible for expungement under section 577.054 or 610.130;
- (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;
- (9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section;
- (10) Any violation of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; and
- (11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017, **or any offense under subdivision (4) of subsection 1 of section 571.030.**

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the

offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

- (1) The petitioner's:
 - (a) Full name;
 - (b) Sex;
 - (c) Race;
 - (d) Driver's license number, if applicable; and
 - (e) Current address;
- (2) Each offense, violation, or infraction for which the petitioner is requesting expungement;
- (3) The approximate date the petitioner was charged for each offense, violation, or infraction; and
- (4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and
- (5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

- (1) At the time the petition is filed, it has been at least [seven] **three** years if the offense is a felony, or at least [three years] **one year** if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;
- (2) **At the time the petition is filed**, the person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters **301, 302, 303, 304,** and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;
- (3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;
- (4) The person does not have charges pending;
- (5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and
- (6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. **For purposes of 18 U.S.C. 921(a)(3)(B)(ii), an order or expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction.** Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

- (1) A license, certificate, or permit issued by this state to practice such individual's profession;
- (2) Any license issued under chapter 313 or permit issued under chapter 571;
- (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;
- (4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;
- (5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or
- (6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

- (1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and
- (2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

650.055. BIOLOGICAL SAMPLES COLLECTED, CERTAIN FELONY OFFENSES, WHEN — USE OF SAMPLE — HIGHWAY PATROL AND DEPARTMENT OF CORRECTIONS, DUTY — DNA RECORDS AND BIOLOGICAL MATERIALS TO BE CLOSED RECORD, DISCLOSURE, WHEN — EXPUNGEMENT OF RECORD, WHEN. — 1. Every individual who:

- (1) Is found guilty of a felony or any offense under chapter 566; or
 - (2) Is seventeen years of age or older and arrested for burglary in the first degree under section 569.160, or burglary in the second degree under section 569.170, or a felony offense under chapter 565, 566, 567, 568, or 573; or
 - (3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513;
- or

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

(4) Is an individual required to register as a sexual offender under sections 589.400 to 589.425;

shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis.

2. Any individual subject to DNA collection and profiling analysis under this section shall provide a DNA sample:

(1) Upon booking at a county jail or detention facility; or

(2) Upon entering or before release from the department of corrections reception and diagnostic centers; or

(3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by a private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was found guilty of a felony offense in any other jurisdiction; or

(5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, and on parole, as also defined in section 217.650; or

(6) At the time of registering as a sex offender under sections 589.400 to 589.425.

3. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The [board] **division** of probation [or] **and** parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

4. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

5. Unauthorized use or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

6. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

7. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their employees who need to obtain such records to perform their public duties;

(4) The individual whose DNA sample has been collected, or his or her attorney; or

(5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.

8. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

9. (1) An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal, or through the court granting an expungement of all official records under section 568.040. A certified copy of the court order establishing that such conviction has been reversed, guilty plea has been set aside, or expungement has been granted under section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

(2) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on the grounds that the conviction has been reversed, the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, or an expungement of all official records has been granted by the court under section 568.040.

(3) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction, setting aside the plea, or granting an expungement of all official records under section 568.040, and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

(4) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

(5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

10. When a DNA sample is taken from an individual pursuant to subdivision (2) of subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory within ninety days of receiving such notification. Within thirty days of being notified by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained. If the individual has no other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample of such person.

11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:

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- (1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;
- (2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;
- (3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;
- (4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.

If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.

650.058. INDIVIDUALS WHO ARE ACTUALLY INNOCENT MAY RECEIVE RESTITUTION, AMOUNT, PETITION, DEFINITION, LIMITATIONS AND REQUIREMENTS — GUILT CONFIRMED BY DNA TESTING, PROCEDURES — PETITIONS FOR RESTITUTION — ORDER OF EXPUNGEMENT.

— 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of one hundred dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;
- (3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the [board of probation and] parole **board** in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court's or the [board of probation and parole's] **parole board's** sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that their probation or parole was revoked in connection with the crime for which the person has been exonerated; and
- (4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall

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determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

[211.438. CONTINGENCY - EXPANSION OF SERVICES TO EIGHTEEN YEARS OF AGE NOT EFFECTIVE UNTIL SUFFICIENT APPROPRIATIONS. — Expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor.]

[211.439. EFFECTIVE DATE. — The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 shall become effective on January 1, 2021.]

[217.660. CHAIRMAN OF THE BOARD TO BE DIRECTOR — ADDITIONAL COMPENSATION.

— 1. The chairman of the board of probation and parole shall be the director of the division.

2. In addition to the compensation as a member of the board, any chairman whose term of office began before August 28, 1999, shall receive three thousand eight hundred seventy-five dollars per year for duties as chairman.]

SECTION B. EFFECTIVE DATE FOR CERTAIN SECTIONS. — The repeal and reenactment of sections 50.327, 57.317, and 304.050 of this act shall become effective January 1, 2022.

SECTION C. EMERGENCY CLAUSE FOR CERTAIN SECTIONS. — Because immediate action is necessary to protect children, because immediate action is necessary to expand services from seventeen years of age to eighteen years of age, and because immediate action is necessary to ensure women incarcerated or held in custody are able to address their basic health needs, the enactment of sections 211.012, 217.199, and 221.065, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 211.012, 217.199, and 221.065, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 14, 2021

SS SCS SB 57

Enacts provisions relating to funding to certain organizations to deter criminal behavior.

AN ACT to amend chapters 590 and 650, RSMo, by adding thereto two new sections relating to funding to certain organizations to deter criminal behavior.

SECTION

- A Enacting clause.
- 590.192 Critical incident stress management program, purpose — services to be provided — requirements — confidentiality of information — fund created, use of moneys.
- 650.550 Economic distress zone fund created, use of moneys — rulemaking authority — definition — termination date.

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

SECTION A. ENACTING CLAUSE — Chapters 590 and 650, RSMo, are amended by adding thereto two new sections, to be known as sections 590.192 and 650.550, to read as follows:

590.192. CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM, PURPOSE — SERVICES TO BE PROVIDED — REQUIREMENTS — CONFIDENTIALITY OF INFORMATION — FUND CREATED, USE OF MONEYS. — 1. **There is hereby established the "Critical Incident Stress Management Program" within the department of public safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident. For purposes of this section, a "critical incident" shall mean any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.**

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

2. All peace officers shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer that he or she completed such check-in.

3. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer unless:

(1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person;

(2) The person who received the services provides written consent to the disclosure; or

(3) The person receiving services discloses information that is required to be reported under mandatory reporting laws.

4. (1) There is hereby created in the state treasury the "988 Public Safety Fund", which shall consist of money appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers pursuant to subsection 1 of this section. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident. The director of public safety may prescribe rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

650.550. ECONOMIC DISTRESS ZONE FUND CREATED, USE OF MONEYS — RULEMAKING AUTHORITY — DEFINITION — TERMINATION DATE. — 1. There is hereby created in the state treasury the "Economic Distress Zone Fund", which shall consist of money appropriated under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety to provide funding to organizations registered with the United States Internal Revenue Service as a 501(c)(3) corporation that provide services to residents of the state in areas of high incidents of crime and deteriorating infrastructure in for the purpose of deterring criminal behavior in such areas. Any moneys appropriated and any other moneys made available by gift, grant, bequest, contribution, or otherwise to carry out the purpose of this section, and all interest earned on, and income generated from, moneys in the fund shall be paid to, and deposited in, the economic distress zone fund.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys appropriated to the fund over three million dollars, excluding any moneys made available by gift, grant, bequest, contribution, or otherwise, that remain in the fund at the end of the biennium shall revert to the credit of the general revenue fund.

3. The department of public safety shall promulgate rules to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

4. As used in this section, "areas of high incidents of crime and deteriorating infrastructure" shall mean a city with a homicide rate of at least seven times the national average according to the Federal Bureau of Investigation's Uniform Crime Reporting System; a poverty rate that exceeds twenty percent according to the United States Census Bureau; and has a school district with at least eighty percent of students who qualify for free or reduced lunch.

5. The provisions of this section shall terminate on August 28, 2024.

Approved June 29, 2021

SS SB 63

Enacts provisions relating to the monitoring of certain prescribed controlled substances, with penalty provisions.

AN ACT to repeal section 338.710, RSMo, and to enact in lieu thereof two new sections relating to the monitoring of certain prescribed controlled substances, with penalty provisions.

SECTION

A Enacting clause.

195.450 Task force established — definitions — members, appointment, expenses — duties — controlled substance dispensation information, submitted to vendor, procedure — use of information — violation, penalty — rulemaking authority.

338.710 Program created, goal — authority of board — evaluation report — expiration date.

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

SECTION A. ENACTING CLAUSE — Section 338.710, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 195.450 and 338.710, to read as follows:

195.450. TASK FORCE ESTABLISHED — DEFINITIONS — MEMBERS, APPOINTMENT, EXPENSES — DUTIES — CONTROLLED SUBSTANCE DISPENSATION INFORMATION, SUBMITTED TO VENDOR, PROCEDURE — USE OF INFORMATION — VIOLATION, PENALTY — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms shall mean:

(1) "Controlled substance", as such term is defined in section 195.010;

(2) "Dispenser", a person who delivers a Schedule II, III, or IV controlled substance to a patient, but does not include:

(a) A hospital, as such term is defined in section 197.020, that distributes such substances for the purpose of inpatient care or dispenses prescriptions for controlled substances at the time of discharge from such facility;

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

(b) A practitioner or other authorized person who administers such a substance; or
(c) A wholesale distributor of a controlled substance;
(3) "Health care provider", as such term is defined in section 376.1350;
(4) "Patient", a person who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed, not including a hospice patient enrolled in a Medicare-certified hospice program who has controlled substances dispensed to him or her by such hospice program;

(5) "Schedule II, III, or IV controlled substance", a controlled substance that is listed in Schedule II, III, or IV of the schedules provided under this chapter or the Controlled Substances Act, 21 U.S.C. Section 812.

2. (1) There is hereby established within the office of administration the "Joint Oversight Task Force for Prescription Drug Monitoring", which shall be authorized to supervise the collection and use of patient dispensation information for prescribed Schedule II, III, or IV controlled substances as submitted by dispensers in this state under this section. The joint oversight task force shall consist of the following members:

(a) Two members of the state board of registration for the healing arts who are licensed physicians or surgeons;

(b) Two members of the state board of pharmacy who are licensed pharmacists;

(c) One member of the state board of nursing who is an advanced practice registered nurse;
and

(d) One member of the Missouri dental board who is a licensed dentist.

(2) The task force members shall be appointed by their respective state regulatory boards and shall serve a term not to exceed their term on such regulatory board, but in no case shall any term on the joint oversight task force exceed four years. Any member shall serve on the joint oversight task force until his or her successor is appointed. Any vacancy on the joint oversight task force shall be filled in the same manner as the original appointment. A chair of the joint oversight task force shall be selected by the members of the joint oversight task force.

(3) Members shall serve on the joint oversight task force without compensation, but may be reimbursed for their actual and necessary expenses from moneys appropriated to the office of administration. The office of administration shall provide technical, legal, and administrative support services as required by the joint oversight task force; provided, that the office of administration shall not have access to dispensation information or any other individually identifiable patient information submitted and retained under this section. The joint oversight task force shall be authorized to hire such staff as is necessary, subject to appropriations, to administer the provisions of this section.

(4) The joint oversight task force shall be considered a public body and shall be subject to the provisions of chapter 610.

3. (1) The joint oversight task force shall enter into a contract with a vendor, through a competitive bid process under chapter 34, for the operation of a program to monitor the dispensation of prescribed Schedule II, III, and IV controlled substances. The vendor shall be responsible for the collection and maintenance of patient dispensation information submitted to the vendor by dispensers in this state and shall comply with the provisions of this section and the rules and regulations promulgated by the joint oversight task force.

(2) In addition to appropriations from the general assembly, the joint oversight task force may apply for available grants and shall be able to accept other gifts, grants, and donations to develop and maintain the program.

(3) The joint oversight task force shall be authorized to cooperate with the MO HealthNet division within the department of social services for the purposes of applying for and accepting any available federal moneys or other grants to develop and maintain the program; provided,

that the joint oversight task force shall retain all authority over the program granted to it under this section and the MO HealthNet division shall not have access to the program or the information submitted to the program beyond such access as is granted to the division under this section.

4. Dispensation information submitted to the vendor under this section shall be as follows for each dispensation of a Schedule II, III, or IV controlled substance in this state:

- (1) The pharmacy's Drug Enforcement Administration (DEA) number;
- (2) The date of the dispensation;
- (3) The following, if there is a prescription:
 - (a) The prescription number or other unique identifier;
 - (b) Whether the prescription is new or a refill; and
 - (c) The prescriber's DEA or National Provider Identifier (NPI) number;
- (4) The National Drug Code (NDC) for the drug dispensed;
- (5) The quantity and dosage of the drug dispensed;
- (6) The patient's identification number including, but not limited to, any one of the following:
 - (a) The patient's driver's license number;
 - (b) The patient's government-issued identification number; or
 - (c) The patient's insurance cardholder identification number; and
- (7) The patient's name, address, and date of birth.

The addition of any further information to the list of dispensation information required to be submitted in this subsection shall be the sole purview of the general assembly.

5. Each dispenser shall submit the information to the vendor electronically within twenty-four hours of dispensation. Beginning January 1, 2023, the vendor shall begin phasing in a requirement that dispensers report patient dispensation information in real time, with all dispensation information to be submitted in real time by January 1, 2024. The joint oversight task force may promulgate rules regarding alternative forms of transmission or waivers of the time frame established under this subsection due to unforeseen circumstances.

6. Beginning August 28, 2023, the vendor shall maintain an individual's dispensation information obtained under this section for a maximum of three years from the date of dispensation, after which such information shall be deleted from the program.

7. (1) The vendor shall treat patient dispensation information and any other individually identifiable patient information submitted under this section as protected health information under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191, and the regulations promulgated thereunder. Such information shall only be accessed and utilized in accordance with the privacy and security provisions of HIPAA and the provisions of this section.

(2) Dispensation information and any other individually identifiable patient information submitted under this section shall be confidential and not subject to public disclosure under chapter 610.

8. (1) The patient dispensation information submitted under this section shall only be utilized for the provision of health care services to the patient. Prescribers, dispensers, and other health care providers shall be permitted to access a patient's dispensation information collected by the vendor in course of providing health care services to the patient. The vendor shall provide dispensation information to the individual patient, upon his or her request.

(2) The patient dispensation information submitted under this section shall be shared with any health information exchange operating in this state, upon the request of the health information exchange. **Charges assessed to the health information exchange by the vendor shall**

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

not exceed the cost of the actual technology connection or recurring maintenance thereof. Any health information exchange receiving patient dispensation information under this subdivision shall comply with the provisions of subsection 7 of this section and such patient dispensation information shall only be utilized in accordance with the provisions of this section. For purposes of this subdivision, "health information exchange" means the electronic exchange of individually identifiable patient information among unaffiliated organizations according to nationally-recognized standards as administered by a health information organization, which shall not include an organized health care arrangement, as defined in 45 CFR 160.103, or a research institution that oversees and governs the electronic exchange of individually identifiable information among unaffiliated organizations for research purposes only.

9. The dispensation information of MO HealthNet program recipients submitted under this section may be shared with the MO HealthNet division for purposes of providing the division and MO HealthNet providers patient dispensation history and facilitating MO HealthNet claims processing and information retrieval; provided, that no patient dispensation information submitted under this section shall be utilized for any purpose prohibited under this section.

10. The joint oversight task force may provide data to public and private entities for statistical, research, or educational purposes only after removing information that could be used to identify individual patients, prescribers, dispensers, or persons who received dispensations from dispensers.

11. No patient dispensation information shall be provided to local, state, or federal law enforcement or prosecutorial officials, both in-state and out-of-state, or any regulatory board, professional or otherwise, for any purposes other than those explicitly set forth in HIPAA and any regulations promulgated thereunder.

12. No dispensation information submitted under this section shall be used by any local, state, or federal authority to prevent an individual from owning or obtaining a firearm.

13. No dispensation information submitted under this section shall be the basis for probable cause to obtain an arrest or search warrant as part of a criminal investigation.

14. (1) A dispenser who knowingly fails to submit dispensation information to the vendor as required under this section, or who knowingly submits incorrect dispensation information, shall be subject to an administrative penalty in the amount of one thousand dollars for each violation. The penalty shall be assessed through an order issued by the joint oversight task force. Any person subject to an administrative penalty may appeal to the administrative hearing commission under the provisions of chapter 621.

(2) Any person who unlawfully and purposefully accesses or discloses, or any person authorized to have patient dispensation information under this section who purposefully discloses, such information in violation of this section or purposefully uses such information in a manner and for a purpose in violation of this section is guilty of a class E felony.

15. (1) The provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision of this state for the purpose of monitoring the prescription or dispensation of prescribed controlled substances within the state. Any such prescription drug monitoring program in operation prior to August 28, 2021, shall cease operation within this state when the vendor's program under this section is available for utilization by prescribers and dispensers throughout the state.

(2) The joint oversight task force may enter into an agreement, or authorize the vendor to enter into an agreement, with any prescription drug monitoring program operated by a county, municipality, or other political subdivision of this state prior to August 28, 2021, to transfer patient dispensation information from the county, municipality, or other program to the vendor's program created under this section; provided, that such patient dispensation information shall be subject to the provisions of this section.

16. The provisions of this section shall not apply to persons licensed under chapter 340.

17. The joint oversight task force shall promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

338.710. PROGRAM CREATED, GOAL — AUTHORITY OF BOARD — EVALUATION REPORT — EXPIRATION DATE. — 1. There is hereby created in the Missouri board of pharmacy the "RX Cares for Missouri Program". The goal of the program shall be to promote medication safety and to prevent prescription drug abuse, misuse, and diversion in Missouri.

2. The board, in consultation with the department, shall be authorized to expend, allocate, or award funds appropriated to the board to private or public entities to develop or provide programs or education to promote medication safety or to suppress or prevent prescription drug abuse, misuse, and diversion in the state of Missouri. In no case shall the authorization include, nor the funds be expended for, any state prescription drug monitoring program including, but not limited to, such as are defined in 38 CFR 1.515. Funds disbursed to a state agency under this section may enhance, but shall not supplant, funds otherwise appropriated to such state agency.

3. The board shall be the administrative agency responsible for implementing the program in consultation with the department. The board and the department may enter into interagency agreements between themselves to allow the department to assist in the management or operation of the program. The board may award funds directly to the department to implement, manage, develop, or provide programs or education pursuant to the program.

4. After a full year of program operation, the board shall prepare and submit an evaluation report to the governor and the general assembly describing the operation of the program and the funds allocated. Unless otherwise authorized by the general assembly, the program shall expire on August 28, [2019] **2026**.

Approved June 7, 2021

HCS SS SCS SB 71

Enacts provisions relating to civil proceedings.

AN ACT to repeal sections 211.261, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof ten new sections relating to civil proceedings.

SECTION

- A Enacting clause.
- 211.261 Appeals.
- 452.410 Custody, decree, modification of, when.
- 455.010 Definitions.
- 455.032 Protection order, restraining respondent from abuse if petitioner is permanently or temporarily in state — evidence admissible of prior abuse in or out of state.

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

- 455.040 Hearings, when — duration of orders, renewal, requirements — copies of orders to be given, validity — duties of law enforcement agency — information entered in MULES — objection, personally served.
- 455.045 Temporary relief available — ex parte orders.
- 455.050 Full or ex parte order of protection, abuse, stalking, or sexual assault, contents — relief available — court may order transfer billing responsibility of wireless telephone, when, procedure.
- 455.513 Ex parte orders, issued immediately, when — for good cause shown, defined — investigation by children's division, when — report due when, available to whom — transfer to juvenile court, when.
- 455.520 Temporary relief available — ex parte orders.
- 455.523 Full order of protection — relief available.

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

SECTION A. ENACTING CLAUSE. — Sections 211.261, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 211.261, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, to read as follows:

211.261. APPEALS. — 1. An appeal shall be allowed to the child from any final judgment, order or decree made under the provisions of this chapter and may be taken on the part of the child by its parent, guardian, legal custodian, spouse, relative or next friend. An appeal shall be allowed to a parent from any final judgment, order or decree made under the provisions of this chapter which adversely affects him. An appeal shall be allowed to the juvenile officer from any final judgment, order or decree made under this chapter, except that no such appeal shall be allowed concerning a final determination pursuant to subdivision (3) of subsection 1 of section 211.031. Notice of appeal shall be filed within thirty days after the final judgment, order or decree has been entered but neither the notice of appeal nor any motion filed subsequent to the final judgment acts as a supersedeas unless the court so orders.

2. Notwithstanding the provisions of subsection 1 of this section, an appeal shall be allowed to the:

(1) Juvenile officer from any order suppressing evidence, a confession or an admission, in proceedings under subdivision (3) of subsection 1 of section 211.031; **or**

(2) **Parent, guardian ad litem, or juvenile officer from any order changing or modifying the placement of a child.**

3. The appeal provided for in subsection 2 of this section shall be an interlocutory appeal, filed in the appropriate district of the Missouri court of appeals. Notice of such interlocutory appeal shall be filed within three days of the entry of the order of trial court; the time limits applicable to such appeal shall be the same as in interlocutory appeals allowed to the state in criminal cases.

452.410. CUSTODY, DECREE, MODIFICATION OF, WHEN. — 1. Except as provided in subsection 2 of this section, the court shall not modify a prior custody decree unless it has jurisdiction under the provisions of section [452.450] **452.745** and it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to serve the best interests of the child. Notwithstanding any other provision of this section or sections 452.375 and 452.400, any custody order entered by any court in this state or any other state [prior to August 13, 1984,] may, subject to jurisdictional requirements, be modified to allow for joint custody **or visitation only** in accordance with section 452.375, [without any further showing] **452.400, 452.402, or 452.403.**

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

2. If either parent files a motion to modify an award of joint legal custody or joint physical custody, each party shall be entitled to a change of judge as provided by supreme court rule.

455.010. DEFINITIONS. — As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) **"Abusing a pet", purposely or knowingly causing, attempting to cause, or threatening to cause physical injury to a pet with the intent to control, punish, intimidate, or distress the petitioner;**

(b) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

[(b)] (c) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

[(c)] (d) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

[(d)] (e) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

[(e)] (f) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent;

[(f)] (g) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person seventeen years of age or older or otherwise emancipated;

(3) "Child", any person under seventeen years of age unless otherwise emancipated;

(4) "Court", the circuit or associate circuit judge or a family court commissioner;

(5) "Domestic violence", abuse or stalking committed by a family or household member, as such terms are defined in this section;

(6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(9) "Order of protection", either an ex parte order of protection or a full order of protection;

(10) "Pending", exists or for which a hearing date has been set;

(11) **"Pet", a living creature maintained by a household member for companionship and not for commercial purposes;**

(12) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking or sexual assault, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;

[(12)] (13) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking or sexual assault, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;

[(13)] (14) "Sexual assault", as defined under subdivision (1) of this section;

[(14)] (15) "Stalking" is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

(a) "Alarm" means to cause fear of danger of physical harm; and

(b) "Course of conduct" means [a pattern of conduct composed of] two or more acts [over a period of time, however short,] that [serves] **serve** no legitimate purpose[. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact] **including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitors, observes, surveils, threatens, or communicates to a person by any action, method, or device.**

455.032. PROTECTION ORDER, RESTRAINING RESPONDENT FROM ABUSE IF PETITIONER IS PERMANENTLY OR TEMPORARILY IN STATE — EVIDENCE ADMISSIBLE OF PRIOR ABUSE IN OR OUT OF STATE. — In addition to any other jurisdictional grounds provided by law, a court shall have jurisdiction to enter an order of protection restraining or enjoining the respondent from committing or threatening to commit domestic violence, stalking, sexual assault, molesting or disturbing the peace of petitioner, **or abusing a pet**, pursuant to sections 455.010 to 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state of Missouri and if the respondent's actions constituting domestic violence have occurred, have been attempted or have been or are threatened within the state of Missouri. For purposes of this section, if the petitioner has been the subject of domestic violence within or outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for protection in Missouri.

455.040. HEARINGS, WHEN — DURATION OF ORDERS, RENEWAL, REQUIREMENTS — COPIES OF ORDERS TO BE GIVEN, VALIDITY — DUTIES OF LAW ENFORCEMENT AGENCY — INFORMATION ENTERED IN MULES — OBJECTION, PERSONALLY SERVED. — 1. (1) Not later than fifteen days after the filing of a petition that meets the requirements of section 455.020, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of domestic violence, stalking, or sexual assault by a preponderance of the evidence, and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law, the court shall issue a full order of protection for a period of time the court deems appropriate, **and unless after an evidentiary hearing the court makes specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner,** [except that] the protective order shall be valid for at least one hundred eighty days and not more than one year. **If, after an evidentiary hearing, the court makes specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member**

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Matter in bold-face type is proposed language.

of the petitioner, the protective order shall be valid for at least two years and not more than ten years.

(2) Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed **annually** and for a period of time the court deems appropriate, **and unless the court at an evidentiary hearing made specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner,** [except that] the renewed protective order **may be renewed periodically** and shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the [originally] **previously** issued full order of protection. **If the court has made specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner, the renewed protective order may be renewed periodically and shall be valid for at least two years and up to the life of the respondent.**

(3) The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection [for one year] shall be automatically [renew] **renewed for any term of renewal of a full order of protection as set forth in this section** unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for [at least one hundred eighty days and not more than one year] **any term of renewal of a full order as set forth in this section.** For purposes of this subsection, a finding by the court of a subsequent act of domestic violence, stalking, or sexual assault is not required for a renewal order of protection.

(4) **In determining under this section whether a respondent poses a serious danger to the physical or mental health of a petitioner or of a minor household member of the petitioner, the court shall consider all relevant evidence including, but not limited to:**

- (a) The weight of the evidence;
- (b) The respondent's history of inflicting or causing physical harm, bodily injury, or assault;
- (c) The respondent's history of stalking or causing fear of physical harm, bodily injury, or assault on the petitioner or a minor household member of the petitioner;
- (d) The respondent's criminal record;
- (e) Whether any prior full orders of adult or child protection have been issued against the respondent;
- (f) Whether the respondent has been found guilty of any dangerous felony under Missouri law; and
- (g) Whether the respondent violated any term or terms of probation or parole or violated any term of a prior full or temporary order of protection and which violated terms were intended to protect the petitioner or a minor household member of the petitioner.

(5) **If a court finds that a respondent poses a serious risk to the physical or mental health of the petitioner or of a minor household member of the petitioner, the court shall not modify such order until a period of at least two years from the date the original full order was issued and only after the court makes specific written findings after a hearing held that the respondent has shown proof of treatment and rehabilitation and that the respondent no longer poses a serious danger to the petitioner or to a minor household member of the petitioner.**

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer at least three days prior to such hearing. The court shall cause a copy of any

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full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. Notice of an ex parte or full order of protection shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature. Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. [The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted,] **The court shall provide all necessary information, including the respondent's relationship to the petitioner, for entry of the order of protection into the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC). Upon receiving the order under this subsection, the sheriff shall make the entry into MULES within twenty-four hours. MULES shall forward the order information to NCIC, which will in turn make the order viewable within the National Instant Criminal Background Check System (NICS). The sheriff shall enter information contained in the order, including, but not limited to, any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency [and to the law enforcement agency responsible for maintaining] for entry into MULES or any other comparable law enforcement system. [The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination.]** The information contained in an order of protection may be entered [in the Missouri uniform law enforcement system] **into MULES or any other** comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.045. TEMPORARY RELIEF AVAILABLE — EX PARTE ORDERS. — Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include:

- (1) Restraining the respondent from committing or threatening to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner;
- (2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:
 - (a) Jointly owned, leased or rented or jointly occupied by both parties; or
 - (b) Owned, leased, rented or occupied by petitioner individually; or
 - (c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or
 - (d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

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(3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;

(4) A temporary order of custody of minor children where appropriate;

(5) **A temporary order of possession of pets where appropriate.**

455.050. FULL OR EX PARTE ORDER OF PROTECTION, ABUSE, STALKING, OR SEXUAL ASSAULT, CONTENTS — RELIEF AVAILABLE — COURT MAY ORDER TRANSFER BILLING RESPONSIBILITY OF WIRELESS TELEPHONE, WHEN, PROCEDURE. — 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing or threatening to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner, **including violence against a pet;**

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

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

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent;

(13) Award possession and care of any pet, along with any moneys necessary to cover medical costs that may have resulted from abuse of the pet.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further domestic violence. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

9. (1) The court may, in order to ensure that a petitioner can maintain an existing wireless telephone number or numbers, issue an order, after notice and an opportunity to be heard, directing a wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless service account holder.

(2) (a) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to the petitioner shall list the name and billing telephone number of the account holder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred to that person. The court shall ensure that the contact information of the petitioner is not provided to the account holder in proceedings held under this chapter.

(b) Upon issuance, a copy of the full order of protection shall be transmitted, either electronically or by certified mail, to the wireless service provider's registered agent listed with the secretary of state, or electronically to the email address provided by the wireless service provider. Such transmittal shall constitute adequate notice for the wireless service provider acting under this section and section 455.523.

(c) If the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances, the wireless service provider shall notify the petitioner within three business days. Such circumstances shall include, but not be limited to, the following:

a. The account holder has already terminated the account;

- b. The differences in network technology prevent the functionality of a device on the network; or
- c. There are geographic or other limitations on network or service availability.

(3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers, monthly service costs, and costs for any mobile device associated with the wireless telephone number or numbers.

(b) This section shall not preclude a wireless service provider from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility for a wireless telephone number or numbers and any devices attached to that number or numbers including, but not limited to, identification, financial information, and customer preferences.

(4) This section shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law, or the ability to determine the temporary use, possession, and control of personal property.

(5) No cause of action shall lie against any wireless service provider, its officers, employees, or agents, for actions taken in accordance with the terms of a court order issued under this section.

(6) As used in this section and section 455.523, a "wireless service provider" means a provider of commercial mobile service under Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151, et seq.).

455.513. EX PARTE ORDERS, ISSUED IMMEDIATELY, WHEN — FOR GOOD CAUSE SHOWN, DEFINED — INVESTIGATION BY CHILDREN'S DIVISION, WHEN — REPORT DUE WHEN, AVAILABLE TO WHOM — TRANSFER TO JUVENILE COURT, WHEN. — 1. The court may immediately issue an ex parte order of protection upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that:

- (1) No prior order regarding custody involving the respondent and the child is pending or has been made; or
- (2) The respondent is less than seventeen years of age.

An immediate and present danger of domestic violence, **including danger to the child's pet**, stalking, or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court may issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

455.520. TEMPORARY RELIEF AVAILABLE — EX PARTE ORDERS. — 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic

violence, **including danger to the child's pet**, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the victim's safety, including but not limited to:

- (1) Restraining the respondent from committing or threatening to commit domestic violence, stalking, sexual assault, molesting, or disturbing the peace of the victim;
- (2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;
- (3) Restraining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court;
- (4) A temporary order of custody of minor children;
- (5) **A temporary order of possession of pets where appropriate.**

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

- (1) The order is in the best interests of the child or children remaining in the home;
- (2) The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and
- (3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

455.523. FULL ORDER OF PROTECTION — RELIEF AVAILABLE. — 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence, **including danger to the child's pet**, stalking, and sexual assault may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

- (1) Temporarily enjoining the respondent from committing domestic violence or sexual assault, threatening to commit domestic violence or sexual assault, stalking, molesting, or disturbing the peace of the victim;
- (2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;
- (3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

- (1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;
- (2) Award visitation;
- (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
- (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;
- (5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;
- (6) Order the respondent to participate in a court-approved counseling program designed to help stop violent behavior or to treat substance abuse;
- (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;
- (8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence;
- (9) Order a wireless service provider, in accordance with the process, provisions, and requirements set out in subdivisions (1) to (6) of subsection 9 of section 455.050, to transfer the billing responsibility

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Matter in bold-face type is proposed language.

for and rights to the wireless telephone number or numbers of any minor children in the petitioner's care to the petitioner, if the petitioner is not the wireless service account holder;

(10) Award possession and care of any pet, along with any moneys necessary to cover medical costs that may have resulted from abuse of the pet.

Approved June 29, 2021

CCS HCS SB 72

Enacts provisions relating to state designations.

AN ACT to amend chapters 9 and 10, RSMo, by adding thereto eleven new sections relating to state designations.

SECTION

A Enacting clause.

- 9.052 Law Enforcement Appreciation Day designated for first Friday in May.
- 9.169 Random Acts of Kindness Day designated for August 31.
- 9.225 Mark Twain Day designated for November 30.
- 9.227 Iron Curtain Speech Day designated for March 5.
- 9.291 John Jordan 'Buck' O'Neil Day designated for November 30.
- 9.301 Missouri Fox Trotter Week designated for first full week in September.
- 9.306 Walthall Moore Day designated for May 1.
- 9.309 Limb Loss Awareness Month designated for month of April.
- 9.323 Pioneering Black Women's Day designated for March 26.
- 9.339 Hazel Erby Day designated for September 22, 2021.
- 10.240 The Gateway Arch designated as the official state monument.

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

SECTION A. ENACTING CLAUSE. — Chapters 9 and 10, RSMo, are amended by adding thereto eleven new sections, to be known as sections 9.052, 9.169, 9.225, 9.227, 9.291, 9.301, 9.306, 9.309, 9.323, 9.339, and 10.240, to read as follows:

9.052. LAW ENFORCEMENT APPRECIATION DAY DESIGNATED FOR FIRST FRIDAY IN MAY. — **The first Friday in May each year is hereby designated as "Law Enforcement Appreciation Day" in the state of Missouri. The citizens of this state are encouraged to observe the day with appropriate activities and events to recognize and support the brave men and women who undertake the difficult and sometimes unattainable pledge to protect and serve the public.**

9.169. RANDOM ACTS OF KINDNESS DAY DESIGNATED FOR AUGUST 31. — **August thirty-first each year shall be known as "Random Acts of Kindness Day" in Missouri to mark the beginning of suicide prevention awareness month in September. The citizens of this state are encouraged to celebrate this day by engaging in random acts of kindness toward their fellow citizens and remembering that one small act of kindness has the power to change the course of a person's life and the potential to impact countless lives as random acts of kindness are paid forward.**

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9.225. MARK TWAIN DAY DESIGNATED FOR NOVEMBER 30. — November thirtieth of each year is hereby designated as "Mark Twain Day". The citizens of this state are encouraged to engage in appropriate events and activities to commemorate the life and accomplishments of Mark Twain.

9.227. IRON CURTAIN SPEECH DAY DESIGNATED FOR MARCH 5. — March fifth of each year is hereby designated as "Iron Curtain Speech Day" in Missouri. Citizens of this state are encouraged to celebrate with appropriate events and activities to recognize the anniversary of Winston Churchill's famous speech at Westminster College in Fulton, Missouri, on March 5, 1946.

9.291. JOHN JORDAN 'BUCK' O'NEIL DAY DESIGNATED FOR NOVEMBER 30. — November thirteenth of each year shall be known and designated as "John Jordan 'Buck' O'Neil Day" in Missouri in honor of John Jordan "Buck" O'Neil, the first African American who coached in Major League Baseball. He also played a major role in establishing the Negro Leagues Baseball Museum in Kansas City, Missouri. The citizens of this state are encouraged to participate in events and activities to celebrate the life of John Jordan "Buck" O'Neil.

9.301. MISSOURI FOX TROTTER WEEK DESIGNATED FOR FIRST FULL WEEK IN SEPTEMBER. — The first full week in September is hereby designated as "Missouri Fox Trotter Week" in Missouri. Citizens of this state are encouraged to participate in appropriate events and activities in recognition of our state horse, the Missouri fox trotter, a breed which originated in the Ozarks and is beloved by cowboys and ranchers for its comfort and reliability.

9.306. WALTHALL MOORE DAY DESIGNATED FOR MAY 1. — May first of each year is hereby designated as "Walthall Moore Day" in Missouri. Citizens of this state are encouraged to engage in appropriate events and activities to honor the life and work of the first African American to serve in the Missouri general assembly.

9.309. LIMB LOSS AWARENESS MONTH DESIGNATED FOR MONTH OF APRIL. — The month of April is hereby designated as "Limb Loss Awareness Month" in Missouri. Citizens of this state are encouraged to engage in appropriate events and activities to spread awareness about limb loss and limb difference.

9.323. PIONEERING BLACK WOMEN'S DAY DESIGNATED FOR MARCH 26. — March twenty-sixth of each year is hereby designated and shall be known as "Pioneering Black Women's Day" in honor of Gwen B. Giles, who was the first Black woman to serve in the Missouri Senate. Citizens of this state are encouraged to recognize this day with appropriate events and activities to honor Senator Giles and other Black women in history who were pioneers and created opportunities for future Black women in this state and country.

9.339. HAZEL ERBY DAY DESIGNATED FOR SEPTEMBER 22, 2021. — September 22, 2021, is hereby designated as "Hazel Erby Day" in Missouri. Citizens of this state are encouraged to participate in appropriate events and activities to recognize Hazel Erby's lifelong dedication to public service and community improvement.

10.240. THE GATEWAY ARCH DESIGNATED AS THE OFFICIAL STATE MONUMENT. — "The Gateway Arch" in St. Louis is hereby selected for and shall be known as the official state monument.

Approved July 13, 2021

CCS SB 86

Enacts provisions relating to school districts, with penalty provisions.

AN ACT to repeal section 115.646, RSMo, and to enact in lieu thereof two new sections relating to school districts, with penalty provisions.

SECTION

A Enacting clause.

115.646 Public funds expenditure by political subdivision officer or employee, prohibited — personal appearances permitted — violation, penalty.

135.715 Tax credit, annual increase to cumulative amount to cease, when — limitation on number of organizations — board established, members, powers and duties — deposit of moneys in fund — definition.

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

SECTION A. ENACTING CLAUSE — Section 115.646, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 115.646 and 135.715, to read as follows:

115.646. PUBLIC FUNDS EXPENDITURE BY POLITICAL SUBDIVISION OFFICER OR EMPLOYEE, PROHIBITED — PERSONAL APPEARANCES PERMITTED — VIOLATION, PENALTY. — No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision, **including school districts and charter schools**, to advocate, support, or oppose **the passage or defeat of any ballot measure or the nomination or election of any candidate for public office, or to direct any public funds to, or pay any debts or obligations of, any committee supporting or opposing such ballot measures or candidates.** This section shall not be construed to prohibit any public official of a political subdivision, **including school districts and charter schools**, from making public appearances or from issuing press releases concerning any such ballot measure. **Any purposeful violation of this section shall be punished as a class four election offense.**

135.715. TAX CREDIT, ANNUAL INCREASE TO CUMULATIVE AMOUNT TO CEASE, WHEN — LIMITATION ON NUMBER OF ORGANIZATIONS — BOARD ESTABLISHED, MEMBERS, POWERS AND DUTIES — DEPOSIT OF MONEYS IN FUND — DEFINITION. — **1. Notwithstanding any provision in section 135.713 to the contrary, the annual increase to the cumulative amount of tax credits under subsection 3 of section 135.713 shall cease when the amount of tax credits reaches fifty million dollars. The cumulative amount of tax credits that may be allocated to all taxpayers contributing to educational assistance organizations in the first year of the program shall not exceed twenty-five million dollars.**

2. The state treasurer shall limit the number of educational assistance organizations that are certified to administer scholarship accounts to no more than ten such organizations in any single school year, with no more than six of such organizations having their principal place of business in:

(1) A county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants;

(2) A county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;

(3) A county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants;

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(4) A county with a charter form of government and with more than nine hundred fifty thousand inhabitants; or

(5) A city not within a county.

3. The state treasurer may delegate any duties assigned to the state treasurer under sections 135.712 to 135.719 and sections 166.700 to 166.720 to the Missouri empowerment scholarship accounts board, which is hereby established. The Missouri empowerment scholarship accounts board shall consist of the state treasurer, who shall serve as chair, the commissioner of the department of higher education and workforce development, the commissioner of education, the commissioner of the office of administration, one member appointed by the president pro tempore of the senate, one member appointed by the speaker of the house of representatives, and one member appointed by the governor with the advice and consent of the senate. The appointed members shall serve terms of four years or until their successors have been appointed and qualified. The board shall have all powers and duties assigned to the state treasurer under sections 135.712 to 135.719 and sections 166.700 to 166.720 that are delegated to the board by the state treasurer. Members of the board shall not receive compensation for their service, but may receive reimbursement for necessary expenses.

4. Notwithstanding the provisions of subsection 7 of section 135.716 to the contrary, four percent of the total qualifying contributions received by each educational assistance organization per calendar year shall be deposited in the Missouri empowerment scholarship accounts fund to be used by the state treasurer for marketing and administrative expenses or the costs incurred in administering the program, whichever is less.

5. Notwithstanding the provisions of subdivision (5) of subsection 2 of section 135.712 to the contrary, the term "qualifying contribution" shall mean a donation of cash, including, but not limited to, checks drawn on a banking institution located in the continental United States in U.S. dollars (other than cashier checks, or third-party checks exceeding ten thousand dollars), money orders, payroll deductions, and electronic fund transfers. This term shall not include stocks, bonds, other marketable securities, or property.

Approved July 14, 2021

SS SCS SB 106

Enacts provisions relating to financial institutions.

AN ACT to repeal sections 361.097, 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 365.100, 365.140, 367.150, 369.049, 400.3-309, 408.035, 408.100, 408.140, 408.178, 408.233, 408.234, 408.250, 408.553, and 408.554, RSMo, and to enact in lieu thereof twenty-six new sections relating to financial institutions.

SECTION

- A Enacting clause.
- 361.097 Board members, appointment, qualifications, terms.
- 361.110 Report of work of division, contents — retention of statements.
- 361.727 Rules — authority.
- 362.023 Trust company may refuse demand deposits by its articles of incorporation, effect of.
- 362.044 Stockholders' meetings — notice — business by proxy, cancellation of meetings.
- 362.165 Restrictions on taking and holding real estate.

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

- 362.247 Board, quorum — directors not physically present, counted when — rulemaking authority.
- 362.250 Oath of directors to be subscribed and certified — retained by board — penalty.
- 362.340 Employees to give bond — insurance — publication of minimum levels of coverages.
- 362.550 Appointment as fiduciary — investments — handling of trust property — effect of merger or consolidation.
- 362.570 Application of trust guaranty fund.
- 362.765 Definitions — state-chartered bank merger with nonbank subsidiaries or nonbank affiliates — procedure.
- 365.100 Late payment charges, interest on delinquent payments, attorney fees — dishonored or insufficient funds fee — convenience fee imposed, when.
- 365.140 Prepayment of debt under retail installment contract — refund, how computed — proof of payment.
- 369.049 Name may include what, exceptions — deceptive names prohibited — amending charter for name changes — violations, injunction.
- 369.705 Definitions — savings banks merger with nonbank subsidiaries or nonbank affiliates — procedure.
- 400.3-309 Enforcement of lost, destroyed, or stolen instrument.
- 408.035 Unlimited interest, when allowed.
- 408.100 Applicability of section — rate of interest.
- 408.140 Additional charges or fees prohibited, exceptions — no finance charges if purchases are paid for within certain time limit, exception.
- 408.178 Deferral of monthly loan payments, fee authorized for certain loans.
- 408.233 Additional charges authorized.
- 408.234 Collateral — prepayment rights, method of computation.
- 408.250 Definitions.
- 408.553 Recovery limitation.
- 408.554 Notice of default, contents, form, delivery.
- 367.150 Annual report — contents.

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

SECTION A. ENACTING CLAUSE. — Sections 361.097, 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 365.100, 365.140, 367.150, 369.049, 400.3-309, 408.035, 408.100, 408.140, 408.178, 408.233, 408.234, 408.250, 408.553, and 408.554, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 361.097, 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 362.765, 365.100, 365.140, 369.049, 369.705, 400.3-309, 408.035, 408.100, 408.140, 408.178, 408.233, 408.234, 408.250, 408.553, and 408.554, to read as follows:

361.097. BOARD MEMBERS, APPOINTMENT, QUALIFICATIONS, TERMS. — 1. The state banking and savings and loan board shall consist of five members who shall be appointed by the governor, the senate concurring. No person shall be eligible for appointment unless he or she is a resident of this state. One member shall be an attorney at law and a member of the Missouri Bar in good standing. [Two] **Three** members shall each have had at least five years of active bank **or association** management experience **at an institution chartered under chapter 362 or 369** in this state. [One member shall have had at least five years of active management experience in this state of one or more associations as defined in chapter 369.] One member shall be an individual who is not

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involved in the administration of a financial institution. Not more than three members of the board shall be members of the same political party.

2. The term of office of each member of the state banking and savings and loan board shall be six years. The board shall select its own chairman and secretary. The members of the state banking and savings and loan board shall hold office for the respective terms for which they are appointed and until their successors shall qualify. Vacancies on such board shall be filled by appointment for the unexpired term in the same manner as in the case of an original appointment.

361.110. REPORT OF WORK OF DIVISION, CONTENTS — RETENTION OF STATEMENTS. —

1. **On Monday of each week or, if Monday is a holiday, the next day that is not a holiday**, the director of finance shall [keep in his office, in a place] **post by five o'clock p.m. on a publicly accessible** [to the general public, a bulletin board upon which he shall cause to be posted at noon on Friday, of each week,] **website of the division of finance** a detailed statement signed by [him] **the director** or, in case of [his] **the director's** absence from the City of Jefferson or inability to act, by the deputy director in charge, giving the following items of general information with regard to the work of the division since the preceding statement:

(1) The name of every corporation whose articles of agreement have been filed for examination in the office of the director, its location and the date of filing of such articles of agreement;

(2) The name and location of every corporation authorized by the director to commence or continue business, its capital, surplus and the date of authorization;

(3) The name of every proposed corporation which a certificate of incorporation has been refused by the director and the date of notice of refusal;

(4) The name and location of every foreign corporation, whose authorization certificate or license has been revoked by the director and the date of such revocation;

(5) The name of every corporation that has applied to the director for permission to open a branch office, the date of such application and the location of the proposed branch;

(6) The name of every corporation that has been authorized by the director to open a branch office, the date of approval and the location of such branch office;

(7) The name and location of every corporation authorized by the director to increase or reduce its capital stock or permanent capital, the date of such authorization and the amount of the increase or reduction;

(8) The names and locations of all corporations that have merged pursuant to the provisions of this chapter and the dates of such mergers;

(9) The name and residence of every person appointed by the director as a deputy, examiner or employee in the banking department, the title of the office to which appointed, the compensation paid and the date of appointment;

(10) The date on which a call for a quarterly report by banks or trust companies was issued by the director and the day designated as the day with reference to which such report should be made;

(11) The name and location of every corporation of whose property and business the director shall have taken possession and the date of taking possession, and the name and residence of every person appointed by the director as a special deputy director;

(12) The name and location of every corporation which shall have been authorized by the director to resume business and the date of resumption;

(13) The name and location of every corporation whose creditors or depositors have been paid in full by the director and a meeting of whose stockholders shall have been called together with the date of notice of meeting and date of meeting; **and**

(14) The name and location of every corporation subject to the provisions of this chapter whose affairs and business shall have been finally liquidated and the corporation dissolved.

2. [Every such statement, after having been so posted for one week, shall be placed on file and kept in the office of the director.] All such statements shall be **retained by the division of finance as public documents** and at all reasonable times shall be open to public inspection **and available on a publicly accessible website of the division of finance.**

361.727. RULES — AUTHORITY. — The director shall issue regulations necessary to carry out the intent and purposes of sections 361.700 to 361.727, pursuant to the provisions of section [361.103] **361.105** and chapter 536.

362.023. TRUST COMPANY MAY REFUSE DEMAND DEPOSITS BY ITS ARTICLES OF INCORPORATION, EFFECT OF. — 1. Other provisions of the law to the contrary notwithstanding, the articles of agreement of any trust company may preclude the acceptance of demand deposits, in which case the procedure for granting or denying a charter for the proposed trust company shall be as provided in sections 362.025 to 362.040, except that the determination of need and convenience as provided in section 362.030 shall be limited to the need for fiduciary services as authorized under subsection [2] **3** of section 362.105.

2. No trust company the articles of which preclude or do not affirmatively provide for the acceptance of demand deposits, and no trust company which does not regularly accept demand deposits on September 28, 1977, shall accept demand deposits without a certificate issued by the director of finance authorizing the acceptance of demand deposits. The application for such certificate shall be treated as an application for a new charter and shall be granted or denied as provided in sections 362.030 to 362.040.

362.044. STOCKHOLDERS' MEETINGS — NOTICE — BUSINESS BY PROXY, CANCELLATION OF MEETINGS. — 1. Stockholders' meetings may be held at such place, within this state, as may be prescribed in the bylaws. In the absence of any such provisions, all meetings shall be held at the principal banking house of the bank or trust company.

2. An annual meeting of stockholders for the election of directors shall be held on a day which each bank or trust company shall fix by its bylaws; and if no day be so provided, then on the second Monday of January.

3. Special meetings of the stockholders may be called by the directors or upon the written request of the owners of a majority of the stock.

4. [Notice of annual or special stockholders' meetings shall state the place, day and hour of the meeting, and shall be published at least ten days prior to the meeting and once a week after the first publication with the last publication being not more than seven days before the day fixed for such meeting, in some daily or weekly newspaper printed and published in the city or town in which the bank or trust company is located, and if there be none, then in some newspaper printed and published in the county in which the bank or trust company is located, and if there be none, then in some newspaper printed and published in an adjoining county.] A written or printed copy of the notice **of an annual or special stockholders' meeting** shall be delivered personally [or mailed], **by mail, or electronically** to each stockholder at least ten but not more than fifty days prior to the day fixed for the meeting, and shall state, in addition to the place, day and hour, the purpose of any special meeting or an annual meeting at which the stockholders will consider a change in the par value of the corporation stock, the issuance of preferred shares, a change in the number of directors, an increase or reduction of the capital stock of the bank or trust company, a change in the length of the corporate life, an extension or change of its business, a change in its articles to avail itself of the privileges and provisions of this chapter, or any other change in its articles in any way not inconsistent with the provisions of this chapter. Any stockholder may waive notice by causing to be delivered to the secretary during, prior to or after the meeting a written,

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signed waiver of notice, or by attending such meeting except where a stockholder attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

5. Unless otherwise provided in the articles of incorporation, a majority of the outstanding shares entitled to vote at any meeting represented in person or by proxy shall constitute a quorum at a meeting of stockholders; provided, that in no event shall a quorum consist of less than a majority of the outstanding shares entitled to vote, but less than a quorum shall have the right successively to adjourn the meeting to a specified date no longer than ninety days after the adjournment, and no notice need be given of the adjournment to shareholders not present at the meeting. Every decision of a majority of the quorum shall be valid as a corporate act of the bank or trust company unless a larger vote is required by this chapter. **For the purposes of this section, a stockholder is considered to have appeared in person at an annual or special stockholders' meeting even if the stockholder appears remotely via telephone or videoconference.**

6. (1) The stockholders of the bank or trust company may approve business by proxy and cancel any stockholders' meeting, provided:

(a) The stockholders are sent notice of such stockholders' meeting and a proxy referred to in this section;

(b) Within such proxy the stockholders are given the opportunity to approve or disapprove the cancellation of such stockholders' meeting;

(c) At least eighty percent of such bank or trust company's stock is voted by proxy; and

(d) All stockholders voting by proxy vote to cancel such stockholders' meeting.

(2) No business shall be voted on by proxy other than that expressly set out and clearly explained by the proxy material. If such stockholders' meeting is cancelled by proxy, notice of such cancellation shall be sent to all stockholders at least five days prior to the date originally set for such stockholders' meeting. The corporate secretary shall reflect all proxy votes by subject and in chronological order in the board of directors' minute book. The notice for such stockholders' meeting shall state the effective date of any of the following: new directors' election, change in corporate structure and any other change requiring stockholder approval.

7. The voting shareholder or shareholders of the bank or trust company may transact all business required at an annual or special stockholders' meeting by unanimous written consent.

362.165. RESTRICTIONS ON TAKING AND HOLDING REAL ESTATE. — 1. All real estate, including any subsurface rights or interests therein, purchased by any bank or trust company or taken by it in its own right in settlement of debts due it shall be conveyed to it directly by name and the conveyance immediately recorded in the office of the proper recording officer of the county or city in which the real estate is located.

2. Such real estate, rights, or interests so purchased or acquired by any bank or trust company shall be sold by it within ten years of the date on which it shall have been acquired unless it shall be held or occupied in whole or in part by the bank or trust company under the authority of **paragraph (c) of subdivision (10) of subsection 1 of section 362.105**, subsection 1, subdivision (9), paragraph (a)]; provided, that if at any time a bank or trust company changes its location it may have ten years from the date of the change to sell the former location. The aggregate amount of earnings from such real estate, rights or interests shall be separately disclosed in reports of the bank or trust company.

362.247. BOARD, QUORUM — DIRECTORS NOT PHYSICALLY PRESENT, COUNTED WHEN — RULEMAKING AUTHORITY. — 1. A majority of the full board of directors shall constitute a quorum for the transaction of business unless another number is required by the articles of agreement, the bylaws or by law. The act of a majority of the directors present at a meeting at which a quorum is present shall

be the act of the board of directors unless the act of a greater number is required by the articles of agreement, the bylaws or by law.

2. [When the board of] **Unless otherwise prohibited by statute or regulation**, directors [meets] **may attend board meetings** by telephonic conference call or video conferencing, **and** the bank or trust company may include in a quorum directors who are not physically present but are allowed to vote, provided the [bank and directors meet the applicable requirements of this section as follows:

(1) The] bank or trust company has a composite rating of 1 or 2 under the [CAMELS (Capital, Assets, Management, Earnings, Liquidity, and Sensitivity)] **Uniform Financial Institutions Rating System of the Federal Financial Institution Examination Counsel (FFIEC)**]; and

(2) The bank or trust company's board meeting will not be attended by representatives of the bank or trust company's state or federal bank regulator].

3. Any director [who is not physically present within the common area for the meeting and wishes to] **remotely attending a board meeting via telephone or video conferencing may** be counted toward a quorum for such meeting [shall sign an affidavit under penalty of perjury that such] **and, if the director is not otherwise prohibited, may vote on matters before the bank or trust company's board so long as the meeting minutes identify the director appearing remotely and reflect that the remote director:**

(1) Received formal notice of the board meeting for which he or she is attending or waived such notice as otherwise provided by law;

(2) Received the board meeting information required for each board of director's meeting as provided by section 362.275; [and]

(3) Was alone when participating in such board meeting or was in the physical presence of no one not a director of such bank or trust company[.]; and

(4) Was able to clearly hear such board meeting discussion from its beginning to end.

4. [Notwithstanding the provisions of subsections 2 and 3 of this section to the contrary,] The director of the division of finance may promulgate [alternative or] additional regulations, reasonable in scope, to provide for the integrity of the board of directors' operations when directors [who are not physically present and counted toward such board's quorum, provided the regulations balance the integrity of such board's] **attend board meetings remotely, the safety and soundness of the bank or trust company's** operation [with], **and** the bank or trust company's interest in minimizing the cost of compliance with such regulation.

[5. The sole remedy when the bank, trust company or director fails to follow the procedures for directors who are not physically present and counted toward the board's quorum as provided in this section shall be limited to such action as the division of finance may bring under its enforcement authority as provided in chapter 361.]

362.250. OATH OF DIRECTORS TO BE SUBSCRIBED AND CERTIFIED — RETAINED BY BOARD

— **PENALTY.** — 1. Every person elected director of a bank or trust company shall, within thirty days after election, qualify himself **or herself** as director by filing with the officers of the bank or trust company an oath that he **or she** will, so far as the duty devolves on him **or her**, diligently and honestly administer the affairs of the bank or trust company, and will not knowingly violate, or willingly permit to be violated, any of the provisions of law applicable to the bank or trust company.

2. The oath shall be subscribed by the director making it, and certified by an officer authorized by law to administer oaths, and the fact of the oath having been made and filed with the officers of the bank or trust company shall be noted on the records of the acts of the directors.

3. The oath, subscribed by the director making it[,] and certified by the officer before whom it is taken, shall be [immediately transmitted to the director of finance and shall be filed and preserved in his office] **retained with the official records of the board of directors.**

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4. Failure to comply with this provision within the time specified shall work a forfeiture of the position; provided, however, that the director of finance may, for cause deemed sufficient by him **or her**, extend the time; and when any vacancy occurs by this failure the board of directors shall, at the next regular meeting thereafter, enter the fact of the vacancy upon their records and promptly proceed to elect some competent person to fill the vacancy for the unexpired term.

362.340. EMPLOYEES TO GIVE BOND — INSURANCE — PUBLICATION OF MINIMUM LEVELS OF COVERAGES. — 1. The directors of a bank or trust company shall direct and require good and sufficient fidelity bonds on all active officers and employees, whether or not they draw salary or compensation, which bonds shall provide for indemnity to the bank on account of any losses sustained by it as the result of any dishonest, fraudulent or criminal act or omission committed or omitted by them acting independently or in collusion or combination with any person or persons. The bonds may be in individual, schedule or blanket form, and the premiums therefor may be paid by the bank or trust company.

2. The directors may also direct and require suitable insurance protection to the bank against burglary, robbery, theft and other similar insurable hazards to which the bank or trust company may be exposed in the operations of its business on the premises or elsewhere.

3. The directors shall be responsible for approving at least once in each year the amount or penal sum of the bonds or policies and the sureties or underwriters thereon, after giving due and careful consideration to all known elements and factors constituting the risk or hazard. The action shall be recorded in the minutes of the board of directors and [thereafter be reported to the director and be subject to his approval] **the relevant information documented on a form provided by the division of finance. Thereafter, the completed form shall be retained and preserved by the bank or trust company. The director of finance shall publish yearly a tiered schedule of minimum levels of coverages.**

362.550. APPOINTMENT AS FIDUCIARY — INVESTMENTS — HANDLING OF TRUST PROPERTY — EFFECT OF MERGER OR CONSOLIDATION. — 1. When any trust company organized pursuant to the laws of this state shall have been nominated as personal representative of the last will of any deceased person, the court or officer authorized pursuant to the law of this state to grant letters testamentary thereon shall, upon proper application, grant letters testamentary thereon to the trust company or to its successor by merger.

2. When application is made for the appointment of a personal representative on the estate of any deceased person, and there is no person entitled to the letters, or if there is one so entitled then, on the application of the person, the court or officer making the appointment may grant letters of administration with will annexed to any trust company.

3. Any trust company may be appointed conservator, trustee, personal representative, receiver, assignee or in any other fiduciary capacity, in the manner now provided by law for appointment of individuals to any such office. On the application of any natural person acting in any such office, or on the application of any natural persons acting jointly in any such office, any trust company may be appointed by the court or officer having jurisdiction in the place and stead of the person or persons; or on the application of the person or persons any trust company may be appointed to the office to act jointly with the person or persons theretofore appointed, or appointed at the same time; provided, the appointment shall not increase the compensation to be paid the joint fiduciaries over the amount pursuant to the law payable to a fiduciary acting alone.

4. Any natural person or persons heretofore or hereafter appointed as guardian, trustee, personal representative, receiver, assignee, or in any other fiduciary capacity, desiring to have their bond under the office reduced, or desiring to be appointed under a reduced bond, the person or persons may apply to the court to have their appointment put or made under such limitation of powers and upon such terms

and conditions as to the deposits of assets by the person or persons with any trust company, under such reduced bond to be given by the person or persons as the court or judge shall prescribe, and the court or judge may make any proper order in the premises.

5. Any investments made by any trust company of money received by it in any fiduciary capacity shall be at its sole risk, and for all losses of such money the capital stock and property of the company shall be absolutely liable, unless the investments are such as are proper when made by an individual acting in such fiduciary capacity, or such as are permitted under and by the instrument or order creating or defining the trust. Any trust company in the exercise of its fiduciary powers as personal representative, guardian, trustee or other fiduciary capacity, may retain and continue to hold, as an investment of an estate, trust or other account administered by it as fiduciary, any shares of the capital stock, and other securities or obligations, of the trust company so acting, and of any parent company or affiliated company of such trust company, which stock, securities and obligations have been transferred to or deposited with such fiduciary by the creator or creators of such fiduciary account or other donors or grantors, or received by it in exchange for, or as dividends upon, or purchased by the exercise of subscription rights, including rights to purchase fractional shares, in respect of, any other stock, securities or obligations so transferred to or deposited with it, or which have been purchased by such fiduciary pursuant to a requirement of the instrument or order governing such account or pursuant to the direction of such person or persons other than the trust company having power to direct such fiduciary with respect to such purchases; but except as herein provided, including the exercise of subscription rights, no such trust company shall purchase as an investment for any fiduciary account, in the exercise of its own discretion, any stock or other securities or obligations, other than deposit accounts, savings certificates or certificates of deposits, issued by such trust company, or its parent or affiliated companies. This subsection shall not be construed to prohibit a trust company, in the exercise of its own discretion, from purchasing as an investment, for any fiduciary account, securities or obligations of any state or political subdivision thereof which meet investment standards which shall be established by the director of the division of finance, even though such obligations are underwritten by such trust company or its parent or affiliated companies.

6. The court or officer may make orders respecting the trusts and require any trust company to render all accounts which the court or officer might lawfully require if the personal representative, guardian, trustee, receiver, depository or the trust company acting in any other fiduciary capacity, were a natural person.

7. Upon the appointment of a trust company to any fiduciary office, no official oath shall be required.

8. Property or securities received or held by a trust company in any fiduciary capacity shall be a special deposit in the trust company, and the accounts thereof shall be kept separate from each other and separate from the company's individual business. The property or securities held in trust shall not be mingled with the investments of the capital stock or other property belonging to the trust company or be liable for the debts or obligations thereof. For the purpose of this section, the corporation shall have a trust department, in which all business authorized by subsection [2] 3 of section 362.105 is kept separate and distinct from its general business.

9. The accounts, securities and all records of any trust company relating to a trust committed to it shall be open for the inspection of all persons interested in the trust.

10. When any trust company organized pursuant to the laws of this state shall have been appointed personal representative of the estate of any deceased person, or guardian, trustee, receiver, assignee, or in any other fiduciary capacity, in the manner provided by law for appointment to any such office, and if the trust company has heretofore merged or consolidated with or shall hereafter merge or consolidate with any other trust company organized pursuant to the laws of this state, then, at the option of the first mentioned company, and upon the filing by it, with the court having jurisdiction of the estate being

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administered, of a certificate of the merger or consolidation, together with a statement that the other trust company is to thereafter administer the estate held by it and an acceptance by the latter trust company of the trust to be administered, the certificate, statement and acceptance to be executed by the president or vice president of the respective companies and to have affixed thereto the corporate seals of the respective companies, attested by the secretary thereof, and further upon the approval of the court and the giving of such bond as may be required, all the rights, privileges, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action belonging to the trust estate, and every right, privilege or asset of conceivable value or benefit then existing which would inure to the estate under an unmerged or consolidated existence of the first mentioned company, shall be fully and finally and without right of reversion transferred to and vested in the corporation into which it is merged or with which it is consolidated, without further act or deed, and the last mentioned corporation shall have and hold the same in its own right as fully as the same was possessed and held by the corporation from which it was, by operation of the provisions of this section, transferred, and the corporation shall succeed to all the relations, obligations and liabilities, and shall execute and perform all the trusts and obligations devolving upon it, in the same manner as though it had itself assumed the relation or trust.

11. Notwithstanding any other provisions of law to the contrary, a bank, trust company or affiliate thereof, when acting as a trustee, investment advisor, custodian, or otherwise in a fiduciary capacity with respect to the investment and reinvestment of assets may invest and reinvest the assets, subject to the standards contained in section 456.8-816 and sections 469.900 to 469.913, in the securities of any open-end or closed-end management investment company or investment trust registered pursuant to the federal Investment Company Act of 1940 as amended (15 U.S.C. Sections 80a-1, et seq.) (collectively, "mutual funds"), or in shares or interests in a partnership or limited liability company or other entity that operates as a privately offered investment fund. Such investment and reinvestment of assets may be made notwithstanding that such bank, trust company, or affiliate provides services to the investment company or trust or privately offered investment fund as investment advisor, sponsor, distributor, custodian, transfer agent, registrar, or otherwise, and receives reasonable remuneration for such services. Such bank or trust company or affiliate thereof is entitled to receive fiduciary fees with respect to such assets. For such services the bank or trust company or affiliate thereof shall be entitled only to the normal fiduciary fee but neither a bank, trust company nor affiliate shall be required to reduce or waive its compensation for services provided in connection with the investment and management of assets because the fiduciary invests, reinvests or retains assets in a mutual fund or privately offered investment fund. The provisions of this subsection apply to any trust, advisory, custody or other fiduciary relationship established before or after August 28, 1999, unless the governing instrument refers to this section and provides otherwise.

12. As used in this section, the term "trust company" applies to any state or national bank or trust company qualified to act as fiduciary in this state.

362.570. APPLICATION OF TRUST GUARANTY FUND. — 1. The trust guaranty fund shall be absolutely pledged for the faithful performance by the bank or trust company of its duties and undertakings under the provisions of subsection [2] **3** of section 362.105[,] and shall be applied to make good any default in the performance[, and]. The pledge and liability shall not in any way relieve the stock and general funds of the bank or trust company, but creditors under the subdivisions shall have an equal claim with other creditors upon the capital and other property of the bank or trust company in addition to the security hereby given, and in addition to the deposit made with the finance director under the provisions of section 362.590.

2. No portion of the trust guaranty fund shall be transferred to the general capital while the bank or trust company has undertakings of the kinds mentioned in subsection [2] **3** of section 362.105, for whose performance bonds are required from individuals, outstanding and uncompleted, but income therefrom,

if not required at any dividend time to make good such undertakings, may be added to and disposed of with the general income of the bank or trust company.

362.765. DEFINITIONS — STATE-CHARTERED BANK MERGER WITH NONBANK SUBSIDIARIES OR NONBANK AFFILIATES — PROCEDURE. — 1. As used in this section, the following terms mean:

(1) "Nonbank affiliate", any nonbank business entity of which a bank holding company holds control, as defined under section 362.910;

(2) "Nonbank business entity", an entity that is not a bank, trust company, savings and loan association, or savings bank;

(3) "Nonbank subsidiary", any nonbank business entity of which a bank or trust company holds control, as defined under section 362.910.

2. Upon approval by the director of finance, a bank or trust company chartered under this chapter may merge with one or more of its nonbank subsidiaries or nonbank affiliates pursuant to an agreement of merger, provided that the bank or trust company is the surviving institution.

3. The agreement of merger shall be submitted to the director of finance, and the director shall act upon the agreement of merger within thirty days of the submission. In determining whether to approve or deny the merger, the director shall consider the purpose of the transaction, its impact on the safety and soundness of the bank or trust company, and any effect on the bank or trust company's customers. The director of finance may deny a merger if the merger would have a negative effect in any such respect.

4. The decision of the director of finance may be appealed in the same manner as decisions by the director under section 362.040 may be appealed. Should the state banking and savings and loan board decision result in the approval of the agreement of merger, the board may impose such conditions and terms upon the merger as the board deems appropriate.

5. Should an agreement of merger be approved, the director of finance shall provide a certification for the effective date of the merger to the bank or trust company that the bank or trust company may present to the secretary of state or other applicable state business office to demonstrate the completion of the merger.

6. A merger authorized under this section shall not enable a bank or trust company to exercise any right, power, privilege, or benefit that the bank or trust company could not lawfully exercise immediately prior to the merger.

365.100. LATE PAYMENT CHARGES, INTEREST ON DELINQUENT PAYMENTS, ATTORNEY FEES — DISHONORED OR INSUFFICIENT FUNDS FEE — CONVENIENCE FEE IMPOSED, WHEN. —

1. For contracts entered into on or after August 28, 2005, if the contract so provides, the holder thereof may charge, finance, and collect:

(1) A charge for late payment on each installment or minimum payment in default for a period of not less than fifteen days in an amount not to exceed five percent of each installment due or the minimum payment due or twenty-five dollars, whichever is less; except that, a minimum charge of ten dollars may be made, or when the installment is for twenty-five dollars or less, a charge for late payment for a period of not less than fifteen days shall not exceed five dollars, provided, however, that a minimum charge of one dollar may be made;

(2) Interest on each delinquent payment at a rate which shall not exceed the highest lawful contract rate. In addition to such charge, the contract may provide for the payment of attorney fees not exceeding fifteen percent of the amount due and payable under the contract where the contract is referred for collection to any attorney not a salaried employee of the holder, plus court costs;

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(3) [A dishonored or insufficient funds check fee equal to such fee as provided in section 408.653, in addition to fees charged by a bank for each check, draft, order or like instrument which is returned unpaid] **A reasonable service fee not to exceed the amount permitted under subdivision (2) of subsection 6 of section 570.120 for any check, draft, order, or like instrument that is returned unpaid by a financial institution, plus an amount equal to the actual fees charged by the financial institution for each check, draft, order, or like instrument returned unpaid; and**

(4) All other reasonable expenses incurred in the origination, servicing, and collection of the amount due under the contract.

2. A holder of a contract may impose a convenience fee for payments using an alternative payment channel that accepts a debit or credit card not present transaction, nonface-to-face payment, provided that:

- (1) The person making the payment is notified of the convenience fee; and
- (2) The fee is fixed or flat, except that the fee may vary based upon method of payment used.

365.140. PREPAYMENT OF DEBT UNDER RETAIL INSTALLMENT CONTRACT — REFUND, HOW COMPUTED — PROOF OF PAYMENT. — Notwithstanding the provisions of any retail installment contract to the contrary any buyer may prepay in full, whether by payment in cash, extension or renewal, at any time before maturity the debt of any retail installment contract and on so paying the debt shall receive a refund credit thereon for the anticipation of payment. The amount of the refund shall be calculated by the actuarial method. The lender shall retain no more interest than is actually earned whenever a retail installment contract is prepaid. Any insurance rendered unnecessary by reason of prepayment shall be cancelled by the holder and any refund of premiums received by the holder shall be treated in accordance with the provisions of subsection 2 of section 365.080. **If a retail installment contract is paid in full, the holder shall provide the buyer proof of payment in full which may be by a letter referencing the contract, which shall include information identifying the contract such as the original loan date, account number or other identifying number or code, or by returning the original contract or a copy thereof that is marked as paid in full by the holder.**

369.049. NAME MAY INCLUDE WHAT, EXCEPTIONS — DECEPTIVE NAMES PROHIBITED — AMENDING CHARTER FOR NAME CHANGES — VIOLATIONS, INJUNCTION. — 1. The name of every association [shall] **may** include either the words "Savings Association", or "Savings and Loan Association", except for associations domiciled in Missouri at the time sections 369.010 to 369.369 become law that use in their name "Building and Loan Association" or "Loan and Building Association". No name shall be used which is likely to mislead the public as to the character or purpose of the association or which indicates it is authorized to perform an act or conduct any business which is forbidden to it by law. [The name of the association shall not include the words, "National", "Federal", "United States", "Insured", "Guaranteed", "Government", or "Official".] The name of the association shall not be the same as nor deceptively similar to that of any other corporation authorized to transact business in this state, except in the case of an association formed by the reincorporation, reorganization, or consolidation of other associations, or upon the sale of the property or business of an association.

2. Notwithstanding the provisions of sections 362.421 and 362.425, any association may amend its charter to change its name or in the case of a new charter, may adopt a name, which includes the words "Savings Bank", in lieu of the words "Savings and Loan Association" or "Savings Association". For purposes of this chapter, the term "association" shall include savings banks. The procedure for adopting the name "savings bank" shall be as provided in section 369.059.

3. No person, firm, or corporation, either domestic or foreign, unless authorized to do business in this state under the provisions of sections 369.010 to 369.369 shall do business under any name or title which indicates or reasonably implies that the business is the character or kind of business carried on or transacted by an association or which is likely to lead any person to believe that the business is that of

an association. Upon application by the director of the division of finance or any association, a court of competent jurisdiction may issue an injunction to restrain any such entity from violating or continuing to violate any of the foregoing provisions of this subsection.

369.705. DEFINITIONS — SAVINGS BANKS MERGER WITH NONBANK SUBSIDIARIES OR NONBANK AFFILIATES — PROCEDURE. — 1. As used in this section, the following terms mean:

(1) "Nonbank affiliate", any nonbank business entity of which a bank holding company or bank savings and loan holding company holds control, as defined under section 362.910;

(2) "Nonbank business entity", an entity that is not a bank, trust company, savings and loan association, or savings bank;

(3) "Nonbank subsidiary", any nonbank business entity of which a savings and loan association or savings bank holds control, as defined in section 362.910.

2. Upon approval by the director of finance, a savings and loan institution or savings bank chartered under this chapter may merge with one or more of its nonbank subsidiaries or nonbank affiliates pursuant to an agreement of merger, provided that the savings and loan institution or savings bank is the surviving institution.

3. The agreement of merger shall be submitted to the director of finance, and the director shall act upon the agreement of merger within thirty days of the submission. In determining whether to approve or deny the merger, the director shall consider the purpose of the transaction, its impact on the safety and soundness of the savings and loan institution or savings bank, and any effect on the savings and loan institution or savings bank customers. The director of finance may deny the merger if the merger would have a negative effect in any such respect.

4. The decision of the director of finance may be appealed in the same manner as decisions by the director under section 362.040 may be appealed. Should the state banking and savings and loan board decision result in the approval of the agreement of merger, the board may impose such conditions and terms upon the merger as the board deems appropriate.

5. Should the agreement of merger be approved, the director of finance shall provide a certification for the effective date of the merger to the savings and loan institution or savings bank that the savings and loan institution or savings bank may present to the secretary of state or other applicable state business office to demonstrate the completion of the merger.

6. A merger authorized under this section shall not enable a savings and loan institution or savings bank to exercise any right, power, privilege, or benefit that the savings and loan institution or savings bank could not lawfully exercise immediately prior to such merger.

400.3-309. ENFORCEMENT OF LOST, DESTROYED, OR STOLEN INSTRUMENT. — (a) A person not in possession of an instrument is entitled to enforce the instrument if:

(i) The person [was in possession of the instrument and] **seeking to enforce the instrument:**

(A) Was entitled to enforce the instrument when loss of possession occurred; or

(B) Has directly or indirectly acquired ownership of the instrument from a person who was entitled to enforce [it] the instrument when loss of possession occurred[.];

(ii) The loss of possession was not the result of a transfer by the person or a lawful seizure[.]; and

(iii) The person cannot reasonably obtain possession of the instrument because the instrument was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

(b) A person seeking enforcement of an instrument under subsection (a) must prove the terms of the instrument and the person's right to enforce the instrument. If that proof is made, Section 400.3-308 applies to the case as if the person seeking enforcement had produced the instrument. The court may not enter judgment in favor of the person seeking enforcement unless it finds that the person required to

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pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection may be provided by any reasonable means.

408.035. UNLIMITED INTEREST, WHEN ALLOWED. — Notwithstanding the provisions of any other law to the contrary, it is lawful for the parties to agree in writing to any rate of interest, fees, and other terms and conditions in connection with any:

- (1) Loan to a corporation, general partnership, limited partnership or limited liability company;
- (2) [Business loan of five thousand dollars or more] **Extension of credit primarily for agricultural, business, or commercial purposes;**
- (3) Real estate loan, other than residential real estate loans and loans of less than five thousand dollars secured by real estate used for an agricultural activity; or
- (4) Loan of five thousand dollars or more secured solely by certificates of stock, bonds, bills of exchange, certificates of deposit, warehouse receipts, or bills of lading pledged as collateral for the repayment of such loans.

408.100. APPLICABILITY OF SECTION — RATE OF INTEREST. — This section shall apply to all loans which are not made as permitted by other laws of this state except that it shall not apply to loans which are secured by a lien on real estate[, nonprocessed farm products, livestock, farm machinery or crops or to loans to corporations]. On any loan subject to this section, any person, firm, or corporation may charge, contract for and receive interest on the unpaid principal balance at rates agreed to by the parties.

408.140. ADDITIONAL CHARGES OR FEES PROHIBITED, EXCEPTIONS — NO FINANCE CHARGES IF PURCHASES ARE PAID FOR WITHIN CERTAIN TIME LIMIT, EXCEPTION. — 1. No further or other charge or amount whatsoever shall be directly or indirectly charged, contracted for or received for interest, service charges or other fees as an incident to any such extension of credit except as provided and regulated by sections 367.100 to 367.200 and except:

- (1) On loans for thirty days or longer which are other than "open-end credit" as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, a fee, not to exceed ten percent of the principal amount loaned not to exceed one hundred dollars may be charged by the lender; however, no such fee shall be permitted on any extension, refinance, restructure or renewal of any such loan, unless any investigation is made on the application to extend, refinance, restructure or renew the loan;
- (2) The lawful fees actually and necessarily paid out by the lender to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, **and reasonable and bona fide third-party fees incurred for remote or electronic filing**, which fees may be collected when the loan is made or at any time thereafter; however, premiums for insurance in lieu of perfecting a security interest required by the lender may be charged if the premium does not exceed the fees which would otherwise be payable;
- (3) If the contract so provides, a charge for late payment on each installment or minimum payment in default for a period of not less than fifteen days in an amount not to exceed five percent of each installment due or the minimum payment due or fifteen dollars, whichever is greater, not to exceed fifty dollars. If the contract so provides, a charge for late payment on each twenty-five dollars or less installment in default for a period of not less than fifteen days shall not exceed five dollars;
- (4) If the contract so provides, a charge for late payment for a single payment note in default for a period of not less than fifteen days in an amount not to exceed five percent of the payment due; provided that, the late charge for a single payment note shall not exceed fifty dollars;
- (5) Charges or premiums for insurance written in connection with any loan against loss of or damage to property or against liability arising out of ownership or use of property as provided in section

367.170; however, notwithstanding any other provision of law, with the consent of the borrower, such insurance may cover property all or part of which is pledged as security for the loan, and charges or premiums for insurance providing life, health, accident, or involuntary unemployment coverage;

(6) Reasonable towing costs and expenses of retaking, holding, preparing for sale, and selling any personal property in accordance with the uniform commercial code - secured transactions, sections 400.9-101 to 400.9-809;

(7) [Charges assessed by any institution for processing a refused instrument plus a handling fee of not more than twenty-five dollars] **A reasonable service fee not to exceed the amount permitted under subdivision (2) of subsection 6 of section 570.120 for any check, draft, order, or like instrument that is returned unpaid by a financial institution, plus an amount equal to the actual fees charged by the financial institution for each check, draft, order, or like instrument returned unpaid;**

(8) If the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable under such contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and is not handled by a salaried employee of the holder of the contract;

(9) [Provided the debtor agrees in writing, the lender may collect a fee in advance for allowing the debtor to defer up to three monthly loan payments, so long as the fee is no more than the lesser of fifty dollars or ten percent of the loan payments deferred, no extensions are made until the first loan payment is collected and no more than one deferral in a twelve-month period is agreed to and collected on any one loan; this subdivision applies to nonprecomputed loans only and does not affect any other subdivision;

(10) If the open-end credit contract is tied to a transaction account in a depository institution, such account is in the institution's assets and such contract provides for loans of thirty-one days or longer which are "open-end credit", as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, the creditor may charge a credit advance fee of up to the lesser of seventy-five dollars or ten percent of the credit advanced from time to time from the line of credit; such credit advance fee may be added to the open-end credit outstanding along with any interest, and shall not be considered the unlawful compounding of interest as specified under section 408.120;

[(11)] **(10)** A deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's consent, provided the cost of the product is disclosed in the loan contract, is reasonable, and the requirements of section 408.380 are met;

[(12)] **(11)** A convenience fee for payments using an alternative payment channel that accepts a debit or credit card not present transaction, nonface-to-face payment, provided that:

- (a) The person making the payment is notified of the convenience fee; and
- (b) The fee is fixed or flat, except that the fee may vary based upon method of payment used.

2. Other provisions of law to the contrary notwithstanding, an open-end credit contract under which a credit card is issued by a company, financial institution, savings and loan or other credit issuing company whose credit card operations are located in Missouri may charge an annual fee, provided that no finance charge shall be assessed on new purchases other than cash advances if such purchases are paid for within twenty-five days of the date of the periodic statement therefor.

3. Notwithstanding any other provision of law to the contrary, in addition to charges allowed pursuant to section 408.100, an open-end credit contract provided by a company, financial institution, savings and loan or other credit issuing company which is regulated pursuant to this chapter may charge an annual fee not to exceed fifty dollars.

408.178. DEFERRAL OF MONTHLY LOAN PAYMENTS, FEE AUTHORIZED FOR CERTAIN LOANS. — Notwithstanding any other law to the contrary, [on loans with an original amount of six hundred dollars or more,] and provided the debtor agrees in writing, the lender may collect a fee in advance for allowing the debtor to defer monthly loan payments, so long as the fee on each deferred period is no more than the lesser of fifty dollars or ten percent of the loan payments deferred, however, a minimum fee of twenty-five dollars is permitted, and no extensions are made until the first loan payment is collected on any one loan. This section applies to nonprecomputed loans only.

408.233. ADDITIONAL CHARGES AUTHORIZED. — 1. No charge other than that permitted by section 408.232 shall be directly or indirectly charged, contracted for or received in connection with any second mortgage loan, except as provided in this section:

(1) Fees and charges prescribed by law actually and necessarily paid to public officials for perfecting, releasing, or satisfying a security interest related to the second mortgage loan **and reasonable and bona fide third-party fees incurred for remote or electronic filing;**

(2) Taxes;

(3) Bona fide closing costs paid to third parties, which shall include:

(a) Fees or premiums for title examination, title insurance, or similar purposes including survey;

(b) Fees for preparation of a deed, settlement statement, or other documents;

(c) Fees for notarizing deeds and other documents;

(d) Appraisal fees; and

(e) Fees for credit reports;

(4) Charges for insurance as described in subsection 2 of this section;

(5) A nonrefundable origination fee not to exceed five percent of the principal which may be used by the lender to reduce the rate on a second mortgage loan;

(6) Any amounts paid to the lender by any person, corporation or entity, other than the borrower, to reduce the rate on a second mortgage loan or to assist the borrower in qualifying for the loan;

(7) For revolving loans, an annual fee not to exceed fifty dollars may be assessed.

2. An additional charge may be made for insurance written in connection with the loan, including insurance protecting the lender against the borrower's default or other credit loss, and:

(1) For insurance against loss of or damage to property where no such coverage already exists; and

(2) For insurance providing life, accident, health or involuntary unemployment coverage.

3. The cost of any insurance shall not exceed the rates filed with the department of commerce and insurance, and the insurance shall be obtained from an insurance company duly authorized to conduct business in this state. Any person or entity making second mortgage loans, or any of its employees, may be licensed to sell insurance permitted in this section.

4. On any second mortgage loan, a default charge may be contracted for and received for any installment or minimum payment not paid in full within fifteen days of its scheduled due date equal to five percent of the amount or fifteen dollars, whichever is greater, not to exceed fifty dollars. A default charge may be collected only once on an installment or a payment due however long it remains in default. A default charge may be collected at the time it accrues or at any time thereafter and for purposes of subsection [3] 2 of section 408.234 a default charge shall be treated as a payment. No default charge may be collected on an installment or a payment due which is paid in full within fifteen days of its scheduled due date even though an earlier installment or payment or a default charge on earlier installment or payments may not have been paid in full.

5. The lender shall, in addition to the charge authorized by subsection 4 of this section, be allowed to assess the borrower or other maker of refused instrument the actual charge made by any institution for processing the negotiable instrument, plus a handling fee of not more than twenty-five dollars; and, if the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable

under such contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and are not handled by a salaried employee of the holder of the contract or note.

6. No provision of this section shall be construed to prohibit the sale of a deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's consent, provided the cost of the product is disclosed in the loan contract, is reasonable, and the requirements of section 408.380 are met.

408.234. COLLATERAL — PREPAYMENT RIGHTS, METHOD OF COMPUTATION. — 1. [No lender shall make a second mortgage loan pursuant to sections 408.231 to 408.241 in an initial principal amount of less than two thousand five hundred dollars.

2.] A lender may take a security interest in any collateral in conjunction with residential real estate in connection with a second mortgage loan.

[3.] **2.** The borrower shall have an unconditional right to prepay any second mortgage loan. If any such loan providing for interest being added to the principal is prepaid in full one month or more before the final installment date, the lender shall recompute the amount of interest earned to the date of prepayment in full on the basis of the rate of interest originally contracted for computed on the actual unpaid principal balances for the time actually outstanding.

[4.] **3.** When fees charged need not be disclosed in the annual percentage rate required by Title 15, U.S.C. Sections 1601, et seq., and regulations thereunder because such fees are de minimus amounts or for other reasons, such fees need not be included in the annual percentage rate for state examination purposes.

408.250. DEFINITIONS. — Unless otherwise clearly indicated by the context, the following words when used in sections 408.250 to 408.370, for the purposes of sections 408.250 to 408.370, shall have the meanings respectively ascribed to them in this section:

(1) "Cash sale price" means the price stated in a retail time transaction for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of the retail time transaction, if such sale were for cash. The cash sale price may include the cost of taxes, official fees, if any, and charges for accessories and their installation and delivery, and for the servicing, repairing or improving of goods. If a retail time transaction involves the repair, modernization, alteration or rehabilitation of real property, the cash sale price may include reasonable fees and costs actually to be paid for construction permits and similar fees, the services of an attorney and any title search and title insurance relating to any mortgage, lien or other security interest taken, granted or reserved pursuant to contract;

(2) "Credit" means the right granted by a creditor to a debtor to defer payment of a debt or to incur debt and defer its payment. It includes the right to incur debt and defer its payment pursuant to the use of a card, plate, coupon book, or other credit confirmation or identification device or number or other identifying description;

(3) The term "creditor" refers only to creditors who regularly extend, or arrange for the extension of, credit whether in connection with loans, sales of property or services, or otherwise;

(4) "Goods" means all tangible chattels personal and merchandise certificates or coupons issued by a retail seller exchangeable for tangible chattels personal of such seller, but the term does not include motor vehicles, nonprocessed farm products, livestock, money, things in action, or intangible personal property. The term includes tangible chattels personal which, at the time of the sale or subsequently, are to be so affixed to realty as to become a part thereof whether or not severable therefrom;

(5) "Holder" of a retail time contract means the retail seller of the goods or services under the contract or, if the contract is purchased or otherwise acquired, the person purchasing or otherwise acquiring the contract;

(6) "Insurance company" means any form of lawfully authorized insurer in this state;

(7) "Motor vehicle" means any new or used automobile, motor home, manufactured home as defined in section 700.010, excluding a manufactured home with respect to which the requirements of subsections 1 to 3 of section 700.111, as applicable, have been satisfied, motorcycle, truck, trailer, semitrailer, truck tractor, or bus, primarily designed or used to transport persons or property on a public highway, road or street, or a mobile or modular home or farm machinery or implements;

(8) "Official fees" means the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying any title or lien retained or taken by a seller in connection with a retail time transaction, **and reasonable and bona fide third party fees incurred for remote or electronic filing;**

(9) "Person" means an individual, partnership, corporation, association, and any other group however organized;

(10) "Principal balance" means the cash sale price of the goods or services which are the subject matter of a retail time transaction plus the amount, if any, included in a retail time contract, if a separate identified charge is made therefor and stated in the contract, for insurance and other benefits and official fees, minus the amount of the buyer's down payment in money or goods;

(11) "Retail buyer" or "buyer" means a person who buys goods or obtains services to be used primarily for personal, family, or household purposes and not primarily for business, commercial, or agricultural purposes from a retail seller in a retail time transaction;

(12) "Retail charge agreement" means an agreement entered into in this state between a retail seller and a retail buyer prescribing the terms of retail time transactions to be made from time to time pursuant to such agreement, and which provides for a time charge to be computed on the buyer's total unpaid balance from time to time;

(13) "Retail seller" or "seller" means a person who regularly sells or offers to sell goods or services to a buyer primarily for the latter's personal, family, or household use and not primarily for business, commercial, or agricultural use. The term also includes a person who regularly grants credit to retail buyers for the purpose of purchasing goods or services from any person, pursuant to a retail charge agreement, but shall not apply to any person licensed or chartered and regulated to engage regularly in the business of making loans from or in this state;

(14) "Retail time contract" means an agreement evidencing one or more retail time transactions entered into in this state pursuant to which a buyer engages to pay in one or more deferred payments the time sale price of goods or services. The term includes a chattel mortgage; conditional sales contract; and a contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of their cash sale price and by which it is agreed that the bailee or lessee is bound to become, or, for no further or a merely nominal consideration has the option of becoming, the owner of the goods upon full compliance with the provisions of the contract;

(15) "Retail time transaction" means a contract to sell or furnish or the sale of or furnishing of goods or services by a retail seller to a retail buyer for which payment is to be made in one or more deferred payments under and pursuant to a retail time contract or a retail charge agreement;

(16) "Services" means work, labor and services of any kind furnished or agreed to be furnished by a retail seller but does not include professional services including, but not limited to, services performed by an accountant, physician, lawyer or the like, unless the furnishing of such professional services is the subject of a signed retail time transaction;

(17) "Time charge" means the amount, however denominated or expressed, in excess of the cash sale price under a retail charge agreement or the principal balance under a retail time contract which a

retail buyer contracts to pay or pays for goods or services. It includes the extension to the buyer of the privilege of paying therefor in one or more deferred payments;

(18) "Time sale price" means the total of the cash sale price of the goods or services and the amount, if any, included for insurance and other benefits if a separate identified charge is made therefor, and the amounts of the official fees, and the time charge.

408.553. RECOVERY LIMITATION. — Upon default the lender shall be entitled to recover [no more than the amount which the borrower would have been required to pay upon prepayment of the obligation on] **the amount due and accrued under the agreement, including interest and penalties through the date of payment in full or to the date of a final judgment [together with interest thereafter at]. Following a judgment, the lender may additionally recover** the simple interest equivalent of the rate provided in the contract **as applied to the amount of the judgment until the date the judgment is paid and satisfied.**

408.554. NOTICE OF DEFAULT, CONTENTS, FORM, DELIVERY. — 1. After a borrower has been in default for ten days for failure to make a required payment and has not voluntarily surrendered possession of the collateral, a lender may give the borrower and all cosigners on the credit transaction the notice described in this section. A lender gives notice to the borrower and cosigners under this section when he delivers the notice to the borrower or cosigner or mails the notice to him at his last known address.

2. Except as provided in subsection 4 of this section, the notice shall be in writing and conspicuously state: The name, address and telephone number of the lender to whom payment is to be made, a brief identification of the credit transaction, the borrower's right to cure the default, and the amount of payment and date by which payment must be made to cure the default. A notice in substantially the following form complies with this subsection:

(name, address, and telephone number of lender)

(account number, if any)

(brief identification of credit transaction)

(amount) is the AMOUNT NOW DUE

(date) is the LAST DAY FOR PAYMENT

You are late in making your payment(s). If you pay the AMOUNT NOW DUE (above) by the LAST DAY FOR PAYMENT (above), you may continue with the contract as though you were not late. If you do not pay by that date, we may exercise our rights under the law.

3. If the loan transaction is an insurance premium loan, the notice shall conform to the requirements of subsection 2 of this section and a notice in substantially the form specified in that subsection complies with this subsection, except for the following:

(1) In lieu of a brief identification of the loan transaction, the notice shall identify the transaction as an insurance premium loan and each insurance policy or contract that may be cancelled;

(2) In lieu of the statement in the form of notice specified in subsection 2 of this section that the lender may exercise his rights under the law, the statement that each policy or contract identified in the notice may be cancelled; and

(3) The last paragraph of the form of notice specified in subsection 2 of this section shall be omitted.

4. If a credit transaction is secured, the notice described in this section shall further state the following:

"If you voluntarily surrender possession of the following specified collateral, you could still owe additional money after the money received from the sale of the collateral is deducted from the total amount you owe."

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

[5. In the case of a second default on the same loan made pursuant to section 408.100 or on the same retail time transaction as defined in section 408.250 or in the case of a third default on the same second mortgage loan as defined in section 408.231, the notice described in subsection 2 of this section shall indicate that in the case of further default, the borrower will have no right to cure.]

[367.150. ANNUAL REPORT — CONTENTS. — Every lender shall, on or before April thirtieth of each year, and upon a form prescribed by the director, file with the director a written report under oath containing the following information pertaining to the supervised business conducted by the lender during the preceding calendar year:

(1) The name of the lender, and the address of each office in the state of Missouri, and the principal office if it is outside the state of Missouri;

(2) The names and addresses of all officers and directors of the lender, and where a partnership the names and addresses of all partners, giving their respective interests;

(3) A balance sheet showing the financial condition of the lender as of the end of the lender's previous fiscal year, including a statement of the total assets used and useful in conducting the business, both tangible and intangible. Where any item of assets or liabilities is involved both in the consumer loan business and in additional loan or other business of the lender, the latter shall indicate on the balance sheet the proportion of each item properly attributable to the consumer loan business in accordance with formulae and regulations prescribed by the director. In the event the lender is a corporation, in addition to the statement of assets and liabilities normally included in balance sheets, a detailed statement of the lender's capitalization shall be given, including:

(a) Total of each class of securities authorized and outstanding;

(b) Capital or paid-in surplus;

(c) Earned surplus at beginning of period;

(d) Dividends paid during period;

(e) Earned surplus at end of period;

(4) A profit and loss statement covering operations of the supervised business during the previous fiscal year, including a statement of gross earnings, a detailed statement of expenses and the amount paid or reserved for federal, state and other taxes. Where any item of income or expenses arises in connection with both the consumer loan business and some additional loan or other business of the lender the latter shall indicate on the profit and loss statement the proportion of each item properly attributable to the consumer loan business, in accordance with formulae and regulations prescribed by the director;

(5) The total aggregate number and principal amount of loans made by the lender in the following categories:

(a)	\$ 1	-	\$ 100
(b)	\$ 100	-	\$ 200
(c)	\$ 200	-	\$ 400
(d)	\$ 400	-	\$ 600
(e)	\$ 600	-	\$ 1000
(f)	\$ 1000	-	or higher

(6) The number of garnishments, attachments and other suits filed and judgments obtained;

(7) The number of security agreements foreclosed and the amount received from such sales and from the resale;

(8) Any other additional and relevant information relating to loans that the director may from time to time prescribe by regulation.]

Approved June 29, 2021

SS SCS SB 120

Enacts provisions relating to military affairs, with an emergency clause for certain sections.

AN ACT to repeal sections 36.020, 143.121, 143.124, 302.188, 379.122, 620.2005, 620.2010, and 650.005, RSMo, and to enact in lieu thereof fifteen new sections relating to military affairs, with an emergency clause for certain sections.

SECTION

- A Enacting clause.
 - 9.297 Military family month designated for month of November.
 - 36.020 Definitions.
 - 36.221 Missouri National Guard members offered interview for merit positions, when.
 - 41.035 Missouri department of the National Guard established.
 - 41.201 Use of state-owned vehicles, Missouri National Guard members considered state employees — exception.
 - 42.390 State agency forms to include collection of veterans data — information on agency's veteran services to be provided, when.
 - 105.1204 Missouri National Guard members offered interview for state agency positions, when.
 - 143.121 Missouri adjusted gross income.
 - 143.124 Annuities, pensions, retirement benefits, or retirement allowances provided by state, United States, political subdivisions or any other state, Keogh plans, annuities from defined pension plans and IRAs, amounts subtracted from Missouri adjusted gross income.
 - 160.710 Purple star campus designation — definition — criteria.
 - 302.188 Veteran designation on driver's licensed or ID card, requirements — rulemaking authority.
 - 379.122 Refusal to issue policy based on the lack of prior motor vehicle coverage prohibited, when — military member protections, notification required.
 - 620.2005 Definitions.
 - 620.2010 Retention of withholding tax for new jobs, when — tax credits authorized, requirements — alternate incentives.
 - 650.005 Department of public safety created — director, appointment — department's duties — rules, procedure.
- B Emergency clause for certain sections.
- C Contingent effective date for certain sections.

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

SECTION A. ENACTING CLAUSE. — Sections 36.020, 143.121, 143.124, 302.188, 379.122, 620.2005, 620.2010, and 650.005, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 9.297, 36.020, 36.221, 41.035, 41.201, 42.390, 105.1204,

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

143.121, 143.124, 160.710, 302.188, 379.122, 620.2005, 620.2010, and 650.005, to read as follows:

9.297. MILITARY FAMILY MONTH DESIGNATED FOR MONTH OF NOVEMBER. — **The month of November is hereby designated as "Military Family Month" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to honor the daily sacrifices of all military families who support their loved ones serving our country.**

36.020. DEFINITIONS. — Unless the context clearly requires otherwise, the following terms mean:

(1) "Agency", "state agency" or "agency of the state", each department, board, commission or office of the state except for offices of the elected officials, the general assembly, the judiciary and academic institutions;

(2) "Appointing authority", an officer or agency subject to this chapter having power to make appointments;

(3) "Board", the personnel advisory board as established by section 36.050;

(4) "Broad classification band", a grouping of positions with similar levels of responsibility or expertise;

(5) "Class", "class of positions", or "job class", a group of positions subject to this chapter sufficiently alike in duties, authority and responsibilities to justify the same qualifications and the same schedule of pay to all positions in the group;

(6) "Director", the director of the division of personnel of the office of administration;

(7) "Disabled veteran", a veteran who has served on active duty in the Armed Forces at any time who receives compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veteran's affairs, or who receives disability retirement or disability pension benefits from a federal agency as a result of such a disability or a National Guard veteran who was permanently disabled as a result of active service to the state at the call of the governor;

(8) "Division of service" or "division", a state department or any division or branch of the state, or any agency of the state government, all the positions and employees in which are under the same appointing authority;

(9) "Eleemosynary or penal institutions", an institution within state government holding, housing, or caring for inmates, patients, veterans, juveniles, or other individuals entrusted to or assigned to the state where it is anticipated that such individuals will be in residence for longer than one day. Eleemosynary or penal institutions shall not include elementary, secondary, or higher education institutions operated separately or independently from the foregoing institutions;

(10) "Eligible", a person whose name is on a register or who has been determined to meet the qualifications for a class or position;

(11) "Employee", shall include only those persons employed in excess of thirty-two hours per calendar week, for a duration that could exceed six months, by a state agency and shall not include patients, inmates, or residents in state eleemosynary or penal institutions who work for the state agency operating an eleemosynary or penal institutions;

(12) "Examination" or "competitive examination", a means of determining eligibility or fitness for a class or position;

(13) "Open competitive examination", a selection process for positions in a particular class, admission to which is not limited to persons employed in positions subject to this chapter pursuant to subsection 1 of section 36.030;

(14) "Promotional examination", a selection process for positions in a particular class, admission to which is limited to employees with regular status in positions subject to this chapter pursuant to subsection 1 of section 36.030;

(15) "Register of eligibles", a list, which may be restricted by locality, of persons who have been found qualified for appointment to a position subject to this chapter pursuant to subsection 1 of section 36.030;

(16) "Regular employee", a person employed in a position described under subdivision (2) of subsection 1 of section 36.030 who has successfully completed a probationary period as provided in section 36.250;

(17) "State equal employment opportunity officer", the individual designated by the governor or the commissioner of administration as having responsibility for monitoring the compliance of the state as an employer with applicable equal employment opportunity law and regulation and for leadership in efforts to establish a state workforce which reflects the diversity of Missouri citizens at all levels of employment;

(18) "Surviving spouse", the unmarried surviving spouse of a deceased disabled veteran or the unmarried [survivor's] **surviving** spouse of any person who was killed while on active duty in the Armed Forces of the United States or an unmarried surviving spouse of a National Guard veteran who was killed as a result of active service to the state at the call of the governor;

(19) "Veteran", any person who is a citizen of this state who has been separated under honorable conditions from the Armed Forces of the United States who served on active duty during peacetime or wartime for at least six consecutive months, unless released early as a result of a service-connected disability or a reduction in force at the convenience of the government, or any member of a reserve or National Guard component who has satisfactorily completed at least six years of service or who was called or ordered to active duty by the President and participated in any campaign or expedition for which a campaign badge or service medal has been authorized.

36.221. MISSOURI NATIONAL GUARD MEMBERS OFFERED INTERVIEW FOR MERIT POSITIONS, WHEN. — In filling any position where employees are selected on the basis of merit under subsection 1 of section 36.030, the appointing authority shall offer an interview to every person who is or was a member of the Missouri National Guard whose name appears on the register of eligibles for the position.

41.035. MISSOURI DEPARTMENT OF THE NATIONAL GUARD ESTABLISHED. — 1. There is hereby created and established as a department of state government, the "Missouri Department of the National Guard" headed by the adjutant general as provided in Article IV of the Constitution of Missouri, and this chapter and other chapters. The Missouri department of the National Guard shall administer the militia and programs of the state relating to military forces, except for the Missouri veterans commission which is assigned to the department of public safety as provided in chapters 42 and 650.

2. The office of adjutant general and the state militia are hereby transferred to the Missouri department of the National Guard by a type I transfer as defined in section 1 of the Omnibus State Reorganization Act of 1974.

3. Nothing herein shall be construed to interfere with the powers and duties of the governor provided in Article IV, Section 6 of the Constitution of Missouri or this chapter.

4. Rules necessary to administer and implement this section may be established by the department. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and

annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act shall be invalid and void.

41.201. USE OF STATE-OWNED VEHICLES, MISSOURI NATIONAL GUARD MEMBERS CONSIDERED STATE EMPLOYEES — EXCEPTION. — Service members of the Missouri National Guard shall be considered state employees for the purposes of operating state-owned vehicles for official state business unless the members are called into active federal military service by order of the President of the United States pursuant to Title 10 of the United States Code.

42.390. STATE AGENCY FORMS TO INCLUDE COLLECTION OF VETERANS DATA — INFORMATION ON AGENCY'S VETERAN SERVICES TO BE PROVIDED, WHEN. — 1. Every state agency shall ensure that any form, including digital forms posted on an Internet website, used to collect data from individuals include the following questions in substantially similar form:

(1) Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?

(2) If answering question (1) in the affirmative, would you like to receive information and assistance regarding the agency's veteran services?

2. Every state agency shall prepare information regarding the agency's applicable services and benefits that are available to veterans and provide such information to those who answer the questions provided in subsection 1 of this section in the affirmative.

3. The provisions of subsection 1 of this section shall only apply to any form first created on or after August 28, 2021, or any form created before August 28, 2021, and subsequently modified on or after August 28, 2021.

105.1204. MISSOURI NATIONAL GUARD MEMBERS OFFERED INTERVIEW FOR STATE AGENCY POSITIONS, WHEN. — In filling any position in a state agency, as that term is defined under section 36.020, where employees are not required to be selected on the basis of merit under subsection 1 of section 36.030, the employing agency shall offer an interview to every applicant who is or was a member of the Missouri National Guard and who meets the minimum qualifications established for the position.

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171;

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason

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of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan; [and]
- (i) Livestock Gross Margin Insurance Plan; [and]

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist; **and**

(12) One hundred percent of any retirement benefits received by any taxpayer as a result of the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard of this state, as defined in 32 U.S.C. Sections 101(3) and 109, and any other military force organized under the laws of this state.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

143.124. ANNUITIES, PENSIONS, RETIREMENT BENEFITS, OR RETIREMENT ALLOWANCES PROVIDED BY STATE, UNITED STATES, POLITICAL SUBDIVISIONS OR ANY OTHER STATE, KEOGH PLANS, ANNUITIES FROM DEFINED PENSION PLANS AND IRAS, AMOUNTS SUBTRACTED FROM MISSOURI ADJUSTED GROSS INCOME. — 1. Other provisions of law to the contrary notwithstanding, for tax years ending on or before December 31, 2006, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to

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

the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, "annuity, pension, retirement benefit, or retirement allowance" shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include 401(k) plans, deferred compensation plans, self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, but not including Roth IRAs, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. An individual taxpayer shall only be allowed a maximum deduction equal to the amounts provided under this section for each taxpayer on the combined return.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, but ending on or before December 31, 2006, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and a maximum of the first three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and a maximum of the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and a maximum of the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and a maximum of the first six thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002. A taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

4. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 3 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

5. For purposes of this subsection, the term "maximum Social Security benefit available" shall mean thirty-two thousand five hundred dollars for the tax year beginning on or after January 1, 2007, and for each subsequent tax year such amount shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. For the tax year beginning on or after January 1, 2007, but ending on or before December 31, 2007, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or twenty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2008, but ending on or before December 31, 2008, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or thirty-five percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2009, but ending on or before December 31, 2009, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or fifty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2010, but ending on or before December 31, 2010, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or sixty-five percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2011, but ending on or before December 31, 2011, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or eighty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For all tax years beginning on or after January 1, 2012, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to one hundred percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. A taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is married filing combined, and their combined Missouri adjusted gross income is equal to or less than one hundred thousand dollars; or

(2) If the taxpayer's filing status is single, head of household, qualifying widow(er), or married filing separately, and the taxpayer's Missouri adjusted gross income is equal to or less than eighty-five thousand dollars.

6. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1) and (2) of subsection 5 of this section, such taxpayer shall be entitled to an exemption, less any applicable reduction provided under subsection 7 of this section, equal to the greater of zero or the maximum exemption provided in subsection 5 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

7. For purposes of calculating the subtraction provided in subsection 5 of this section, such subtraction shall be decreased by an amount equal to any Social Security benefit exemption provided under section 143.125.

8. For purposes of this section, any Social Security benefits otherwise included in Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

9. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

10. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter but subject to taxation under Internal Revenue Code Section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

11. For purposes of this section, retirement benefits received shall not include any withdrawals from qualified retirement plans which are subsequently rolled over into another retirement plan.

12. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035.

13. The exemptions provided for in this section shall apply to any annuity, pension, or retirement allowance as defined in subsection 1 of this section to the extent that such amounts are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the taxpayer's federal adjusted gross income in the calculation of Missouri taxable income. This subsection shall not apply to any individual who qualifies under federal guidelines to be one hundred percent disabled.

[14. In addition to all other subtractions authorized in this section, for all tax years beginning on or after January 1, 2010, there shall be subtracted from Missouri adjusted gross income, determined under section 143.121, any retirement benefits received by any taxpayer as a result of the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard of this state, as defined in Sections 101(3) and 109 of Title 32, United States Code, and any other military force organized under the laws of this state, to the extent such benefits are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the taxpayer's federal adjusted gross income in the calculation of Missouri taxable income. Such retirement benefits shall be subtracted as provided in the following schedule:

- (1) For the tax year beginning on January 1, 2010, fifteen percent of such retirement benefits;
- (2) For the tax year beginning on January 1, 2011, thirty percent of such retirement benefits;
- (3) For the tax year beginning on January 1, 2012, forty-five percent of such retirement benefits;
- (4) For the tax year beginning on January 1, 2013, sixty percent of such retirement benefits;
- (5) For the tax year beginning on January 1, 2014, seventy-five percent of such retirement benefits;
- (6) For the tax year beginning on January 1, 2015, ninety percent of such retirement benefits;
- (7) For tax years beginning on or after January 1, 2016, one hundred percent of such retirement benefits.]

160.710. PURPLE STAR CAMPUS DESIGNATION — DEFINITION — CRITERIA. — 1. As used in this section, the following terms mean:

(1) "Military connected student", a student enrolled in a school district or charter school who:

(a) Is a dependent of a current or former member of the Armed Forces of the United States, the Missouri National Guard, or any reserve component of the Armed Forces of the United States; or

(b) Was a dependent of a member of the Armed Forces of the United States, the Missouri National Guard, or any reserve component of the Armed Forces of the United States who was killed while on active duty.

2. The department of elementary and secondary education shall designate a school district as a purple star campus if the school district applies and qualifies for the designation under this section.

3. To qualify as a purple star campus, a school district shall:

(1) Designate a staff member as a military liaison to serve as the point of contact between the school district and military connected students and their families;

(2) Identify military connected students enrolled in the school district;

(3) Determine appropriate services available to military connected students;

(4) Coordinate programs relevant to military connected students;

(5) Maintain on the school district website an easily accessible webpage that includes resources for military connected students and their families, including information regarding:

(a) Relocation to, enrollment at, registration at, and transferring records to the school district;

(b) Academic planning, course sequences, and advanced classes available;

(c) Counseling and other support services available for military connected students enrolled in the school district;

(d) The military liaison designated under subdivision (1) of this section;

(6) Establish and maintain a transition program led by the students, when appropriate, that assists military connected students in transitioning into the school district;

(7) Offer professional development and education for staff members on issues related to military connected students; and

(8) Offer at least one of the following programs:

(a) A resolution showing support for military connected students and their families;

(b) Recognition of the military holidays with relevant events hosted by the school district; or

(c) A partnership with a local military installation that provides opportunities for active duty military members to volunteer with the school district, speak at an assembly, or host a field trip.

302.188. VETERAN DESIGNATION ON DRIVER'S LICENSED OR ID CARD, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. A person may apply to the department of revenue to obtain a veteran designation on a driver's license or identification card issued under this chapter by providing:

(1) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the Armed Forces of the United States; or

(2) A United States Uniformed Services Identification Card, otherwise known as a DD Form 2, that includes a discharge status of "retired" or "reserve retired" establishing the person's service in the Armed Forces of the United States; or

(3) A United States Department of Veterans Affairs photo identification card; or

(4) A discharge document WD AGO 53, WD AGO 55, WD AGO 53-55, NAVPERS 553, NAVMC 78 PD, NAVCG 553, or DD 215 form that shows a discharge status of "honorable" or "general under honorable conditions"; and

(5) Payment of the fee for the driver's license or identification card authorized under this chapter.

2. If the person is seeking a duplicate driver's license with the veteran designation and his or her driver's license has not expired, the fee shall be as provided under section 302.185.

3. The department of revenue [may determine the appropriate placement of] **shall place** the veteran designation on the **front of** driver's licenses and identification cards authorized under this section and may promulgate the necessary rules for administration of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

379.122. REFUSAL TO ISSUE POLICY BASED ON THE LACK OF PRIOR MOTOR VEHICLE COVERAGE PROHIBITED, WHEN — MILITARY MEMBER PROTECTIONS, NOTIFICATION REQUIRED. — 1. No insurer shall refuse to write a policy for an applicant or base an adverse underwriting decision, **including but not limited to charging an increased premium**, solely on the fact that the applicant has never purchased such a policy of motor vehicle insurance where the lack of motor vehicle insurance coverage is due to the applicant serving in the armed services and the applicant has not operated a motor vehicle in violation of any financial responsibility or compulsory insurance requirement within the past twelve months.

2. No insurer shall refuse to write a policy for an applicant or base an adverse underwriting decision, **including but not limited to charging an increased premium**, solely on the fact that the applicant has not owned or been covered by such a policy of motor vehicle insurance during any specified period immediately preceding the date of application where the lack of motor vehicle insurance coverage is due to the applicant serving in the armed services and the applicant has not operated a motor vehicle in violation of any financial responsibility or compulsory insurance requirement within the past twelve months. Nothing in this subsection shall prohibit an insurer from giving a discount for such an applicant that has been covered by a policy of insurance during such a specified period.

3. Nothing in this section shall prohibit an insurer from basing an adverse underwriting decision on an applicant's previous driving record where such record indicates that the applicant is a substandard risk.

4. In order to establish compliance with this section, an insurer may require any applicant claiming to meet the criteria of subsection 1 or 2 of this section to provide proof of eligibility in a manner as the insurer may prescribe.

5. The adjutant general shall ensure that members of the state military forces, as defined in section 40.005, receive notice of the protections provided under this section at such time as information regarding the Servicemembers Civil Relief Act, 50 U.S.C. 3901, et seq., is provided, or at such other times as the adjutant general deems appropriate. The notice shall specifically state that insurers are prohibited under this section from refusing to issue a policy of motor vehicle insurance, or from charging higher premiums, based solely on a lack of prior coverage where the lack of prior coverage was due to military service. The secretaries of the branches of the United States Armed Forces are hereby encouraged to likewise notify servicemembers under their jurisdictions of the protections provided under this section.

620.2005. DEFINITIONS. — 1. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "Contractor", a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;

(4) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

(8) "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely performed job duties within Missouri;

(9) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(10) "Industrial development authority", an industrial development authority organized under chapter 349 that has entered into a formal written memorandum of understanding with an entity of the United States Department of Defense regarding a qualified military project;

(11) "Infrastructure projects", highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, broadband internet infrastructure, and any other similar public improvements, but in no case shall infrastructure projects include private structures;

(12) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

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

(13) "Manufacturing capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

(14) "Memorandum of understanding", an agreement executed by an industrial development authority and an entity of the United States Department of Defense, a copy of which is provided to the department of economic development, that states, but is not limited to:

(a) A requirement for the military to provide the total number of existing jobs, jobs directly created by a qualified military project, and average salaries of such jobs to the industrial development authority and the department of economic development annually for the term of the benefit;

(b) A requirement for the military to provide an accounting of the expenditures of capital investment made by the military directly related to the qualified military project to the industrial development authority and the department of economic development annually for the term of the benefit;

(c) The process by which the industrial development authority shall monetize the tax credits annually and any transaction cost or administrative fee charged by the industrial development authority to the military on an annual basis;

(d) A requirement for the industrial development authority to provide proof to the department of economic development of the payment made to the qualified military project annually, including the amount of such payment;

(e) The schedule of the maximum amount of tax credits which may be authorized in each year for the project and the specified term of the benefit, as provided by the department of economic development; and

(f) A requirement that the annual benefit paid shall be the lesser of:

a. The maximum amount of tax credits authorized; or

b. The actual calculated benefit derived from the number of new jobs and average salaries;

(15) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(16) "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(17) "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(18) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(19) "New payroll", the amount of wages paid for all new jobs, located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

(20) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;

(21) "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program. The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants;

(22) "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

(23) "Program", the Missouri works program established in sections 620.2000 to 620.2020;

(24) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located or by a qualified manufacturing company at which a manufacturing capital investment is or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period. For qualified military projects, the term "project facility" means the military base or installation at which such qualified military project is or shall be located;

(25) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(26) "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(27) "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(28) "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(29) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

(a) Gambling establishments (NAICS industry group 7132);

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

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Health care and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(30) "Qualified manufacturing company", a company that:

(a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);

(b) Manufactures goods at a facility in Missouri;

(c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and

(d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the project period;

(31) "Qualified military project", the expansion or improvement of a military base or installation within this state that causes:

(a) An increase of ten or more **part-time or full-time** military or civilian support personnel:

a. Whose average salaries equal or exceed ninety percent of the county average wage; and

b. Who are offered health insurance, with an entity of the United States Department of Defense paying at least fifty percent of such insurance premiums; and

(b) Investment in real or personal property at the base or installation expressly for the purposes of serving a new or expanded military activity or unit.

For the purposes of this subdivision, part-time military or civilian support personnel shall be converted to full-time new jobs by, in hire date order, counting one full-time new job for every thirty-five averaged hours worked per week by part-time military or civilian support personnel in jobs directly created by the qualified military project. For each such full-time new job, the sum of the wages of the part-time military or civilian support personnel combined and converted to form the new job shall be the wage for the one full-time new job. Each part-time military or civilian support personnel whose job is combined and converted for such a full-time new job shall be offered health insurance as described in subparagraph b of paragraph (a) of this subdivision;

(32) "Related company", shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company;

or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profit interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(33) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(34) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(35) "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(36) "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(37) "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(38) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.

2. This section is subject to the provisions of section 196.1127.

620.2010. RETENTION OF WITHHOLDING TAX FOR NEW JOBS, WHEN — TAX CREDITS AUTHORIZED, REQUIREMENTS — ALTERNATE INCENTIVES. — 1. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by

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the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (38) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval.

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection or a qualified manufacturing company under subsection 3 of this section, the department shall consider the following factors:

(1) The significance of the qualified company's need for program benefits;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, manufacturing capital investment, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed.

3. (1) The department may award tax credits to a qualified manufacturing company that makes a manufacturing capital investment of at least five hundred million dollars not more than three years following the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 4 of this section. Such tax credits shall be issued no earlier than January 1, 2023, and may be issued each year for a period of five years. A qualified manufacturing company may qualify for an additional five-year period under this subsection if it makes an additional manufacturing capital investment of at least two hundred fifty million dollars within five years of the department's approval of the original notice of intent.

(2) The maximum amount of tax credits that any one qualified manufacturing company may receive under this subsection shall not exceed five million dollars per calendar year. The aggregate

amount of tax credits awarded to all qualified manufacturing companies under this subsection shall not exceed ten million dollars per calendar year.

(3) If, at the project facility at any time during the project period, the qualified manufacturing company discontinues the manufacturing of the new product, or discontinues the modification or expansion of an existing product, and does not replace it with a subsequent or additional new product or with a modification or expansion of an existing product, the company shall immediately cease receiving any benefit awarded under this subsection for the remainder of the project period and shall forfeit all rights to retain or receive any benefit awarded under this subsection for the remainder of such period.

(4) Notwithstanding any other provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850 for the jobs created or retained or capital improvement that qualified for benefits under this section. The provisions of subsection 5 of section 285.530 shall not apply to a qualified manufacturing company that is awarded benefits under this section.

4. Upon approval of a notice of intent to receive tax credits under subsection 2, 3, 6, or 7 of this section, the department and the qualified company shall enter into a written agreement covering the applicable project period. The agreement shall specify, at a minimum:

(1) The committed number of new jobs, new payroll, and new capital investment, or the manufacturing capital investment and committed percentage of retained jobs for each year during the project period;

(2) The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval of the notice of intent;

(3) Clawback provisions, as may be required by the department;

(4) Financial guarantee provisions as may be required by the department, provided that financial guarantee provisions shall be required by the department for tax credits awarded under subsection 7 of this section; and

(5) Any other provisions the department may require.

5. In lieu of the benefits available under sections 1 and 2 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (38) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 equal to:

(1) Six percent of new payroll for a period of five years from the date the required number of new jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage of the county in which the project facility is located; or

(2) Seven percent of new payroll for a period of five years from the date the required number of jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred forty percent of the county average wage of the county in which the project facility is located.

The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subsection and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subsection.

6. In addition to the benefits available under subsection 5 of this section, the department may award a qualified company that satisfies the provisions of subsection 5 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than three percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section.

7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs and new capital investment created by the program, the department may award a qualified company that satisfies the provisions of subdivision (1) of subsection 1 of this section tax credits, issued within one year following the qualified company's acceptance of the department's proposal for benefits, in an amount equal to or less than nine percent of new payroll. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section and the qualified company's commitment to new capital investment and new job creation within the state for a period of not less than ten years. For the purposes of this subsection, each qualified company shall have an average wage of the new payroll that equals or exceeds one hundred percent of the county average wage. Notwithstanding the provisions of section 620.2020 to the contrary, this subsection, shall expire on June 30, 2025.

8. No benefits shall be available under this section for any qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to the project, or has publicly announced its intention to make new capital investment or manufacturing capital investment at the project facility prior to receipt of a proposal for benefits under this section or approval of its notice of intent, whichever occurs first.

9. In lieu of any other benefits under this chapter, the department of economic development may award a tax credit to an industrial development authority for a qualified military project in an amount equal to the estimated withholding taxes associated with the **part-time and full-time** civilian and military new jobs located at the facility and directly impacted by the project. The amount of the tax credit shall be calculated by multiplying:

- (1) The average percentage of tax withheld, as provided by the department of revenue to the department of economic development;
- (2) The average salaries of the jobs directly created by the qualified military project; and
- (3) The number of jobs directly created by the qualified military project.

If the amount of the tax credit represents the least amount necessary to accomplish the qualified military project, the tax credits may be issued, but no tax credits shall be issued for a term longer than fifteen years. No qualified military project shall be eligible for tax credits under this subsection unless the department of economic development determines the qualified military project shall achieve a net positive fiscal impact to the state.

650.005. DEPARTMENT OF PUBLIC SAFETY CREATED — DIRECTOR, APPOINTMENT — DEPARTMENT'S DUTIES — RULES, PROCEDURE. — 1. There is hereby created a "Department of

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Public Safety" in charge of a director appointed by the governor with the advice and consent of the senate. The department's role will be to provide overall coordination in the state's public safety and law enforcement program, to provide channels of coordination with local and federal agencies in regard to public safety, law enforcement and with all correctional and judicial agencies in regard to matters pertaining to its responsibilities as they may interrelate with the other agencies or offices of state, local or federal governments.

2. All the powers, duties and functions of the state highway patrol, chapter 43 and others, are transferred by type II transfer to the department of public safety. The governor by and with the advice and consent of the senate shall appoint the superintendent of the patrol. With the exception of sections 43.100 to 43.120 relating to financial procedures, the director of public safety shall succeed the state highways and transportation commission in approving actions of the superintendent and related matters as provided in chapter 43. Uniformed members of the patrol shall be selected in the manner provided by law and shall receive the compensation provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to affect the funding of appropriations or the operation of chapter 104 relating to retirement system coverage or section 226.160 relating to workers' compensation for members of the patrol.

3. All the powers, duties and functions of the supervisor of liquor control, chapter 311 and others, are transferred by type II transfer to the department of public safety. The supervisor shall be nominated by the department director and appointed by the governor with the advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have the qualifications provided by law and may be removed by the supervisor or director of the department as provided in section 311.670.

4. All the powers, duties and functions of the safety and fire prevention bureau of the department of public health and welfare are transferred by type I transfer to the director of public safety.

5. All the powers, duties and functions of the state fire marshal, chapter 320 and others, are transferred to the department of public safety by a type I transfer.

6. All the powers, duties and functions of the law enforcement assistance council administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and related acts of Congress are transferred by type I transfer to the director of public safety. The director of public safety shall appoint such advisory bodies as are required by federal laws or regulations. The council is abolished.

7. The director of public safety shall promulgate motor vehicle regulations and be ex officio a member of the safety compact commission in place of the director of revenue and all powers, duties and functions relating to chapter 307 are transferred by type I transfer to the director of public safety.

8. [The office of adjutant general and the state militia are assigned to the department of public safety; provided, however, nothing herein shall be construed to interfere with the powers and duties of the governor as provided in Article IV, Section 6 of the Constitution of the state of Missouri or chapter 41.

9.] All the powers, duties and functions of the Missouri boat commission, chapter 306 and others, are transferred by type I transfer to the "Missouri State Water Patrol", which is hereby created, in the department of public safety. The Missouri boat commission and the office of secretary to the commission are abolished. All deputy boat commissioners and all other employees of the commission who were employed on February 1, 1974, shall be transferred to the water patrol without further qualification. Effective January 1, 2011, all the powers, duties, and functions of the Missouri state water patrol are transferred to the division of water patrol within the Missouri state highway patrol as set out in section 43.390.

[10.] 9. The Missouri veterans's commission, chapter 42, is assigned to the department of public safety.

[11.] 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

SECTION B. EMERGENCY CLAUSE FOR CERTAIN SECTIONS. — Because of the importance of military jobs to the state, the repeal and reenactment of sections 620.2005 and 620.2010 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 620.2005 and 620.2010 of this act shall be in full force and effect upon its passage and approval.

SECTION C. CONTINGENT EFFECTIVE DATE FOR CERTAIN SECTIONS. — The enactment of section 41.035 and the repeal and reenactment of section 650.005 of this act shall become effective only upon approval by the voters of an amendment to article IV of the Constitution of Missouri that establishes the Missouri department of the National Guard.

Approved July 14, 2021

SS SCS SB 126

Enacts provisions relating to the sale of intoxicating liquor, with existing penalty provisions.

AN ACT to repeal sections 311.070, 311.086, 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.218, 311.293, 311.480, 311.482, 311.620, and 311.710, RSMo, and to enact in lieu thereof seventeen new sections relating to the sale of intoxicating liquor, with existing penalty provisions.

SECTION

- A Enacting clause.
- 311.070 Financial interest in retail businesses by certain licensees prohibited, exceptions — penalties — definitions — activities permitted between wholesalers and licensees — certain contracts unenforceable — installation of nonrefrigeration dispensing accessories — contributions to certain organizations permitted, when — sale of Missouri wines only, license issued, when.
- 311.086 Portable bars, entertainment district special license — definitions — issuance, procedure (Kansas City).
- 311.089 Sunday liquor sales by the drink, permitted when (St. Louis City, Kansas City).
- 311.096 Common eating and drinking area, defined — licenses for sale of liquor by the drink not for consumption on premises — fees — extended hours for convention trade areas.
- 311.174 Convention trade area, Kansas City, North Kansas City, Jackson County, liquor sale by drink, extended hours for business, requirements, fee.
- 311.176 Convention trade area, St. Louis City, liquor sale by drink, extended hours for business, requirements, fee — resort defined.

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- 311.178 Convention trade area, St. Louis County, liquor sale by drink, extended hours for business, requirements, fee — resort defined — special permit for liquor sale by drink (Miller, Morgan, and Camden counties).
- 311.179 St. Louis Lambert International Airport and Kansas City International Airport, special permit, fee.
- 311.190 Wine or brandy manufacturer's license, fee — use of materials produced outside state, limitation, exception — what sales may be made, when.
- 311.200 Licenses — retail liquor dealers — fees — applications.
- 311.202 Sale of retailer-packaged alcoholic beverages to customers in containers for off-premises consumption, when — requirements.
- 311.218 Fourth of July celebrations, temporary permits for wine and malt liquor for certain organizations, fee.
- 311.293 Sunday sales, package liquor licensee allowed, hours, fee — city or county may also charge fee, limitations — exception.
- 311.480 Eating places, drinking of intoxicating liquor on premises, license required, when, hours — regulations — penalties — exceptions.
- 311.482 Temporary permit for sale by drink may be issued to certain organizations, when, duration — collection of sales taxes, notice to director of revenue.
- 311.620 Qualification and requirements of agent, assistant, deputy, or inspector.
- 311.710 Additional complaints — by whom made — procedure.

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

SECTION A. ENACTING CLAUSE. — Sections 311.070, 311.086, 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.218, 311.293, 311.480, 311.482, 311.620, and 311.710, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 311.070, 311.086, 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.202, 311.218, 311.293, 311.480, 311.482, 311.620, and 311.710, to read as follows:

311.070. FINANCIAL INTEREST IN RETAIL BUSINESSES BY CERTAIN LICENSEES PROHIBITED, EXCEPTIONS — PENALTIES — DEFINITIONS — ACTIVITIES PERMITTED BETWEEN WHOLESALERS AND LICENSEES — CERTAIN CONTRACTS UNENFORCEABLE — INSTALLATION OF NONREFRIGERATION DISPENSING ACCESSORIES — CONTRIBUTIONS TO CERTAIN ORGANIZATIONS PERMITTED, WHEN — SALE OF MISSOURI WINES ONLY, LICENSE ISSUED, WHEN. — 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of [liquor] **alcohol and tobacco** control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and 1:30 a.m., Monday through Saturday and between the hours of [9:00 a.m. and midnight, Sunday] **6:00 a.m. on Sundays and 1:30 a.m. on Mondays**. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, or 311.095.

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2. Any distiller, wholesaler, winemaker or brewer who shall violate the provisions of subsection 1 of this section, or permit his **or her** employees, officers or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

- (1) For the first offense, by a fine of one thousand dollars;
- (2) For a second offense, by a fine of five thousand dollars; and
- (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of such person shall be revoked.

3. As used in this section, the following terms mean:

(1) "Consumer advertising specialties", advertising items that are designed to be carried away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps and visors;

(2) "Equipment and supplies", glassware (or similar containers made of other [material] **materials**), [dispensing accessories,] carbon dioxide (and other gasses used in dispensing equipment) [or], ice[. "Dispensing accessories" include standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves], **nonrefrigerated rolling coolers, portable bars, agitating tanks, tubs, tents not to exceed one hundred square feet in size, and any permanently inscribed or securely affixed brand identified nonrefrigerated item that promotes intoxicating liquor;**

(3) "**Nonrefrigeration dispensing accessories**", includes regulators, gauges, vents, nuts, clamps, spicers, keg stackers, washers, shanks, wall brackets, beer and air distributors, beer line insulation, beer and gas hoses, faucets, taps, tap standards, couplers, air pumps draft arms, blankets or other coverings for temporary wrapping of barrels, tavern head and their internal parts, and any other technology or parts necessary to preserve and serve intoxicating liquor that are not self-refrigerating;

[(3)] (4) "Permanent point-of-sale advertising materials", advertising items designed to be used within a retail business establishment for an extended period of time to attract consumer attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials shall only include inside signs (electric, mechanical or otherwise), mirrors, **table umbrellas**, and sweepstakes/contest prizes displayed on the licensed premises;

[(4)] (5) "Product display", wine racks, **portable branded nonrefrigerated coolers**, bins, barrels, casks, shelving or similar items the primary function of which is to hold and display consumer products;

[(5)] (6) "Promotion", an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker or brewer;

[(6)] (7) "Temporary point-of-sale advertising materials", advertising items designed to be used for short periods of time. Such materials include, but are not limited to: banners, decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters, cups, **tap handles, ice buckets, condiment caddies, napkin holders, bar rail mats, shakers, salt rimmers**, or menus.

4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker or brewer, or their employees, officers or agents may engage in the following activities with a retail licensee licensed pursuant to this chapter:

(1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to a retail business if all of the following requirements are met:

(a) The total value of all product displays given or sold to a retail business shall not exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be no combining or pooling of the three hundred dollar limits to provide a retail business a product display in excess of three hundred dollars per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such product display. Transportation and installation costs shall be excluded;

(b) All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller, wholesaler, winemaker or brewer. The name and address of the retail business may appear on the product displays; and

(c) The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker or brewer on the retail business in order for such retail business to obtain the product display;

(2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker or brewer may provide, give or sell any permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties to a retail business if all the following requirements are met:

(a) The total value of all permanent point-of-sale advertising materials provided to a retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred dollars per calendar year, per brand, per retail outlet. **The replacement of similar in appearance, type, and dollar value permanent point-of-sale advertising materials that are damaged and nonfunctioning shall not count towards the maximum of five hundred dollars per calendar year, per brand, per retail outlet.** The value of permanent point-of-sale advertising materials is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such item. Transportation and installation costs shall be excluded. All permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records shall be maintained for a period of three years;

(b) The provider of permanent point-of-sale advertising materials shall own and otherwise control the use of permanent point-of-sale advertising materials that are provided by any distiller, wholesaler, winemaker, or brewer;

(c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer. The name, address and logos of the retail business may appear on the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or the consumer advertising specialties; and

(d) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or consumer advertising specialties or for any incidental expenses arising from their use or distribution;

(3) A distiller, wholesaler, winemaker, or brewer may give a gift not to exceed a value of one thousand dollars per year to a holder of a temporary permit as [defined] **described** in section 311.482;

(4) The distiller, wholesaler, winemaker, or brewer may sell equipment [or] **and** supplies to a retail business if all the following requirements are met:

(a) The equipment and supplies shall be sold at a price not less than the cost to the distiller, wholesaler, winemaker or brewer who initially purchased such equipment and supplies; and

(b) The price charged for the equipment and supplies shall be collected in accordance with credit regulations as established in the code of state regulations;

(5) The [distiller,] wholesaler[, winemaker] or brewer may install **nonrefrigeration** dispensing accessories at the retail business establishment, which shall include for the purposes of beer equipment to properly preserve and serve draught beer only and to facilitate the delivery to the retailer the brewers and wholesalers may lend, give, rent or sell and they may install or repair [any of the following items or render to retail licensees any of the following services: beer coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps, blankets or other coverings for temporary

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wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways;] **nonrefrigeration dispensing accessories** and damage caused by any beer delivery excluding normal wear and tear [and a]. A complete record of equipment **and supplies, and nonrefrigeration dispensing accessories** furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one year;

(6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell [coil] cleaning [service] **and sanitation services** to a retailer **to preserve product integrity** of distilled spirits, wine, or malt beverages;

(7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a sample of distilled spirits or wine as long as the retailer has not previously purchased the brand from that wholesaler, if all the following requirements are met:

(a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of wine; if a particular product is not available in a size within the quantity limitations of this subsection, a wholesaler may furnish or give to a retailer the next larger size;

(b) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer;

(c) For the purposes of this subsection, no samples of intoxicating liquor provided to retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened on the premises of the retailer except as provided by the retail license;

(d) For the purpose of this subsection, the word "brand" refers to differences in brand name of product or differences in nature of product; examples of different brands would be products having a difference in: brand name; class, type or kind designation; appellation of origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits); differences in packaging such a different style, type, size of container, or differences in color or design of a label are not considered different brands;

(8) The distiller, wholesaler, winemaker or brewer may package and distribute intoxicating beverages in combination with other nonalcoholic items as originally packaged by the supplier for sale ultimately to consumers; notwithstanding any provision of law to the contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not required to charge for nonalcoholic items any more than the actual cost of purchasing such nonalcoholic items from the supplier;

(9) The distiller, wholesaler, winemaker or brewer may sell or give the retail business newspaper cuts, mats or engraved blocks for use in the advertisements of the retail business;

(10) The distiller, wholesaler, winemaker or brewer may in an advertisement list the names and addresses of two or more unaffiliated retail businesses selling its product if all of the following requirements are met:

(a) The advertisement shall not contain the retail price of the product;

(b) The listing of the retail businesses shall be the only reference to such retail businesses in the advertisement;

(c) The listing of the retail businesses shall be relatively inconspicuous in relation to the advertisement as a whole; and

(d) The advertisement shall not refer only to one retail business or only to a retail business controlled directly or indirectly by the same retail business;

(11) Distillers, winemakers, wholesalers, brewers or retailers may conduct a local or national sweepstakes/contest upon a licensed retail premise. The sweepstakes/contest prize dollar amount shall not be limited and can be displayed in a photo, banner, or other temporary point-of-sale advertising materials on a licensed premises, if the following requirements are met:

(a) No money or something of value is given to the retailer for the privilege or opportunity of conducting the sweepstakes or contest; and

(b) The actual sweepstakes/contest prize is not displayed on the licensed premises if the prize value exceeds the permanent point-of-sale advertising materials dollar limit provided in this section;

(12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the retail business so long as the products of any other distiller, wholesaler, winemaker or brewer are not altered or disturbed;

(13) The distiller, wholesaler, winemaker or brewer may provide a recommended shelf plan or shelf schematic for distilled spirits, wine or malt beverages;

(14) The distiller, wholesaler, winemaker or brewer participating in the activities of a retail business association may do any of the following:

(a) Display, serve, or donate its products at or to a convention or trade show;

(b) Rent display booth space if the rental fee is the same paid by all others renting similar space at the association activity;

(c) Provide its own hospitality which is independent from the association activity;

(d) Purchase tickets to functions and pay registration or sponsorship fees if such purchase or payment is the same as that paid by all attendees, participants or exhibitors at the association activity;

(e) Make payments for advertisements in programs or brochures issued by retail business associations if the total payments made for all such advertisements are fair and reasonable;

(f) Pay dues to the retail business association if such dues or payments are fair and reasonable;

(g) Make payments or donations for retail employee training on preventive sales to minors and intoxicated persons, checking identifications, age verification devices, and the [liquor] **alcohol and tobacco** control laws;

(h) Make contributions not to exceed one thousand dollars per calendar year for transportation services that shall be used to assist patrons from retail establishments to his or her residence or overnight accommodations;

(i) Donate or serve up to five hundred dollars per event of alcoholic products at retail business association activities; and

(j) Any retail business association that receives payments or donations shall, upon written request, provide the division of alcohol and tobacco control with copies of relevant financial records and documents to ensure compliance with this subsection;

(15) The distiller, wholesaler, winemaker or brewer may sell or give a permanent outside sign to a retail business if the following requirements are met:

(a) The sign, which shall be constructed of metal, glass, wood, plastic, or other durable, rigid material, with or without illumination, or painted or otherwise printed onto a rigid material or structure, shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer;

(b) The retail business shall not be compensated, directly or indirectly, for displaying the permanent sign or a temporary banner;

(c) The cost of the permanent sign shall not exceed five hundred dollars; and

(d) Temporary banners of a seasonal nature or promoting a specific event shall not be constructed to be permanent outdoor signs and may be provided to retailers. The total cost of temporary outdoor banners provided to a retailer in use at any one time shall not exceed five hundred dollars per brand;

(16) A wholesaler may, but shall not be required to, exchange for an equal quantity of identical product or allow credit against outstanding indebtedness for intoxicating liquor with alcohol content of less than five percent by weight **and malt liquor** that was delivered in a damaged condition or damaged while in the possession of the retailer;

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(17) To assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight **and malt liquor** in its undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an equal quantity of identical product;

(18) In addition to withdrawals authorized pursuant to subdivision (17) of this subsection, to assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight **and malt liquor** in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product if:

(a) The product is withdrawn at least thirty days after initial delivery and within twenty-one days of the date considered by the manufacturer of the product to be the date the product becomes inappropriate for sale to a consumer; and

(b) The quantity of product withdrawn does not exceed the equivalent of twenty-five cases of twenty-four twelve-ounce containers; and

(c) To assure and control product quality, a wholesaler may, but not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight **and malt liquor**, in a container with a capacity of four gallons or more, delivered but not used, if the wholesaler removes the product within seven days of the initial delivery; [and]

(19) **Wholesalers shall distribute consumer advertising specialties, equipment and supplies, nonrefrigeration dispensing accessories, permanent point-of-sale advertising materials, product display, promotion, and temporary point-of-sale advertising materials to their retailers in a fair and reasonable manner; and**

(20) Nothing in this section authorizes consignment sales.

5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market, and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the supervisor of alcohol and tobacco control.

(2) Any fixtures, equipment, or furnishings provided by any distiller, wholesaler, winemaker, or brewer in furtherance of the sale of nonalcoholic products shall not be used by the retail licensee to store, service, display, advertise, furnish, or sell, or aid in the sale of alcoholic products regulated by the supervisor of alcohol and tobacco control. All such fixtures, equipment, or furnishings shall be identified by the retail licensee as being furnished by a licensed distiller, wholesaler, winemaker, or brewer.

6. Distillers, wholesalers, brewers and winemakers, or their officers or directors shall not require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from such distillers, wholesalers, brewers or winemakers to the exclusion in whole or in part of intoxicating liquor sold or offered for sale by other distillers, wholesalers, brewers, or winemakers.

7. Notwithstanding any other provisions of this chapter to the contrary, a distiller, **winemaker**, or wholesaler may install **nonrefrigeration** dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits **and wine** equipment to properly preserve and serve premixed distilled spirit **and wine** beverages only. To facilitate delivery to the retailer, the distiller, **winemaker**, or wholesaler may lend, give, rent or sell and the distiller, **winemaker**, or wholesaler may install or repair [any of the following items or render to retail licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses,

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valves and other minor tapping equipment components,] **nonrefrigeration dispensing accessories** and damage caused by any delivery excluding normal wear and tear. A complete record of [equipment] **nonrefrigeration dispensing accessories** furnished and installed and repairs or service made or rendered shall be kept by the distiller, **winemaker**, or wholesaler furnishing, making or rendering the same for a period of not less than one year.

8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section 313.005, or an educational institution if such contributions are unrelated to such organization's retail operations.

9. Distillers, brewers, wholesalers, and winemakers may make payments for advertisements in programs or brochures of tax-exempt organizations licensed under section 311.090 if the total payments made for all such advertisements are the same as those paid by other vendors.

10. A brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquors at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds.

11. For the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for and the supervisor of [liquor] **alcohol and tobacco** control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. Such premises shall be closed during the hours specified under section 311.290 and may remain open between the hours of [9:00 a.m. and midnight on Sunday] **6:00 a.m. on Sundays and 1:30 a.m. on Mondays**.

12. For the purpose of the promotion of tourism, a person may apply for and the supervisor of [liquor] **alcohol and tobacco** control may issue a license to sell intoxicating liquor by the drink at retail for consumption on the premises where sold, but seventy-five percent or more of the intoxicating liquor sold by such licensed person shall be Missouri-produced wines received from manufacturers licensed under section 311.190. Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours of [11:00] **6:00 a.m. [and 9:00 p.m.] on Sundays and 1:30 a.m. on Mondays**.

311.086. PORTABLE BARS, ENTERTAINMENT DISTRICT SPECIAL LICENSE — DEFINITIONS — ISSUANCE, PROCEDURE (KANSAS CITY). — 1. As used in this section, the following terms mean:

(1) "Common area", any area designated as a common area in a development plan for the entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the entertainment district when it is closed to vehicular traffic and any other area identified in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility;

(2) "Entertainment district", any area located in a home rule city with more than four hundred thousand inhabitants and located in more than one county with a population of at least four thousand inhabitants that:

(a) Is located in the city's central business district which is the historic core locally known as the city's downtown area;

(b) Contains a combination of entertainment venues, bars, nightclubs, and restaurants; and

(c) Is designated as a redevelopment area by the governing body of the city under and pursuant to the Missouri downtown and rural economic stimulus act, sections 99.915 to 99.1060;

(3) "Portable bar", any bar, table, kiosk, cart, or stand that is not a permanent fixture and can be moved from place to place;

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(4) "Promotional association", an association, incorporated in the state of Missouri, which is organized or authorized by one or more property owners located within the entertainment district, who own or otherwise control not less than one hundred thousand square feet of premises designed, constructed, and available for lease for bars, nightclubs, restaurants, and other entertainment venues, for the purpose of organizing and promoting activities within the entertainment district. For purposes of determining ownership or control as set forth in this subdivision, the square footage of premises used for residential, office or retail uses, (other than bars, nightclubs, restaurants, and other entertainment venues), parking facilities, and hotels within the entertainment district shall not be used in the calculation of square footage.

2. Notwithstanding any other provisions of this chapter to the contrary, any person acting on behalf of or designated by a promotional association, who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of alcohol and tobacco control may issue, an entertainment district special license to sell intoxicating liquor by the drink for retail for consumption dispensed from one or more portable bars within the common areas of the entertainment district until 3:00 a.m. on Mondays through Saturdays and from [9:00] **6:00 a.m.** [until 12:00 midnight] on Sundays **and until 1:30 a.m. on Mondays.**

3. An applicant granted an entertainment district special license under this section shall pay a license fee of three hundred dollars per year.

4. Notwithstanding any other provision of this chapter to the contrary, on such days and at such times designated by the promotional association, in its sole discretion, provided such times are during the hours a license is allowed under this chapter to sell alcoholic beverages, the promotional association may allow persons to leave licensed establishments, located in portions of the entertainment district designated by the promotional association, with an alcoholic beverage and enter upon and consume the alcoholic beverage within other licensed establishments and common areas located in portions of the entertainment district designated by the promotional association. No person shall take any alcoholic beverage or alcoholic beverages outside the boundaries of the entertainment district or portions of the entertainment district as designated by the promotional association, in its sole discretion. At times when a person is allowed to consume alcoholic beverages dispensed from portable bars and in common areas of all or any portion of the entertainment district designated by the promotional association, the promotional association must and shall ensure that minors can be easily distinguished from persons of legal age buying alcoholic beverages.

5. Every licensee within the entertainment district must and shall serve alcoholic beverages in containers that display and contain the licensee's trade name or logo or some other mark that is unique to that license and licensee.

6. The holder of an entertainment district special license is solely responsible for alcohol violations occurring at its portable bar and in any common area.

311.089. SUNDAY LIQUOR SALES BY THE DRINK, PERMITTED WHEN (ST. LOUIS CITY, KANSAS CITY). — Any establishment possessing or qualifying for a license to sell intoxicating liquor by the drink at retail in any city not within a county, any home rule city with more than four hundred thousand inhabitants and located in more than one county and if such establishment is also located in a resort area, convention trade area, or enterprise zone area, the establishment may apply for a Sunday by-the-drink license between the hours of [9:00 a.m. and midnight] **6:00 a.m. on Sundays and 1:30 a.m. on Mondays.** The license fee for such Sunday by-the-drink license shall be six hundred dollars per year. The license fee shall be prorated for the period of the license based on the cost of the annual license for the establishment.

311.096. COMMON EATING AND DRINKING AREA, DEFINED — LICENSES FOR SALE OF LIQUOR BY THE DRINK NOT FOR CONSUMPTION ON PREMISES — FEES — EXTENDED HOURS

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Matter in bold-face type is proposed language.

FOR CONVENTION TRADE AREAS. — 1. As used in this section, the term "common eating and drinking area" means an area or areas within a building or group of buildings designated for the eating of food and drinking of liquor sold at retail by establishments which do not provide areas within their premises for the consumption of food and liquor; where the costs of maintaining such area or areas are shared by the payment of common area maintenance charges, as provided in the respective leases permitting the use of such areas, or otherwise; and where the annual gross income from the sale of prepared meals or food consumed in such common eating and drinking area is, or is projected to be, at least two hundred seventy-five thousand dollars.

2. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, or who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of **[liquor] alcohol and tobacco** control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, as described in the application for such license. In addition to all other fees required by law, each establishment in a common eating and drinking area licensed under this subsection shall pay to the director of revenue the sum of three hundred dollars per year. The times for selling intoxicating liquor as fixed in section 311.290, the authority for the collection of fees by counties and cities as provided in section 311.220, and all other laws and regulations of this state relating to the sale of intoxicating liquor by the drink shall apply to each establishment licensed under this subsection in the same manner as they apply to establishments licensed under sections 311.085 and 311.090.

3. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of **[liquor] alcohol and tobacco** control may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of **[11:00 a.m. on Sunday and 12:00 midnight on Sunday] 6:00 a.m. on Sundays and 1:30 a.m. on Mondays** by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, as described in the application for such license. In addition to all other fees required by law, each establishment in a common eating and drinking area licensed under this subsection shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

4. Any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, may apply to the supervisor of **[liquor] alcohol and tobacco** control for a special permit to remain open on all days of the week **[except Sunday]** between the hours of 1:30 a.m. to 3:00 a.m. **[The provisions of subsection 3 of this section shall apply to the sale of intoxicating liquor by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area on Sunday.]** To qualify for such a permit, the premises of such an applicant must be located in an area which has been designated as a convention trade area by the governing body of the county or city. An applicant granted a special permit under this section shall pay, in addition to all other fees required by this chapter, an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

311.174. CONVENTION TRADE AREA, KANSAS CITY, NORTH KANSAS CITY, JACKSON COUNTY, LIQUOR SALE BY DRINK, EXTENDED HOURS FOR BUSINESS, REQUIREMENTS, FEE. —

1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a city with a population of at least four thousand inhabitants which borders the Missouri River and also borders a city with a population of over three hundred thousand inhabitants located in at least three counties, in a city

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with a population of over three hundred thousand which is located in whole or in part within a first class county having a charter form of government or in a first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants, may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day; except that, an entity exempt from federal income taxes under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended, and located in a building designated as a National Historic Landmark by the United States Department of the Interior may apply for a license to remain open until 6:00 a.m. of the following day. The time of opening on Sunday may be [9:00] **6:00** a.m. The provisions of this section and not those of section [311.097] **311.293** regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. When the premises of such an applicant is located in a city as defined in this section, then the premises must be located in an area which has been designated as a convention trade area by the governing body of the city. When the premises of such an applicant is located in a county as defined in this section, then the premises must be located in an area which has been designated as a convention trade area by the governing body of the county.

2. An applicant granted a special permit under this section shall in addition to all other fees required by this chapter pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

3. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section.

311.176. CONVENTION TRADE AREA, ST. LOUIS CITY, LIQUOR SALE BY DRINK, EXTENDED HOURS FOR BUSINESS, REQUIREMENTS, FEE — RESORT DEFINED. — 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a city not located within a county, may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be [9:00] **6:00** a.m. The provisions of this section and not those of section [311.097] **311.293** regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. To qualify for such a permit, the premises of such an applicant must be located in an area which has been designated as a convention trade area by the governing body of the city and the applicant must meet at least one of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred fifty thousand dollars or more; or

(2) The business is a resort. For purposes of this section, a "resort" is defined as any establishment having at least sixty rooms for the overnight accommodation of transient guests and having a restaurant located on the premises.

2. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

311.178. CONVENTION TRADE AREA, ST. LOUIS COUNTY, LIQUOR SALE BY DRINK, EXTENDED HOURS FOR BUSINESS, REQUIREMENTS, FEE — RESORT DEFINED — SPECIAL PERMIT FOR LIQUOR SALE BY DRINK (MILLER, MORGAN, AND CAMDEN COUNTIES). — 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a county of the first

classification having a charter form of government and not containing all or part of a city with a population of over three hundred thousand may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be [9:00] **6:00** a.m. The provisions of this section and not those of section [311.097] **311.293** regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The premises of such an applicant shall be located in an area which has been designated as a convention trade area by the governing body of the county and the applicant shall meet at least one of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred fifty thousand dollars or more; or

(2) The business is a resort. For purposes of this subsection, a "resort" is defined as any establishment having at least sixty rooms for the overnight accommodation of transient guests and having a restaurant located on the premises.

2. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a county of the third classification without a township form of government having a population of more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, a county of the third classification without a township form of government having a population of more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants or a county of the first classification without a charter form of government with a population of at least thirty-seven thousand inhabitants but not more than thirty-seven thousand one hundred inhabitants may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be [9:00] **6:00** a.m. The provisions of this section and not those of section [311.097] **311.293** regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The applicant shall meet all of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred thousand dollars or more;

(2) The business is a resort. For purposes of this subsection, a "resort" is defined as any establishment having at least seventy-five rooms for the overnight accommodation of transient guests, having at least three thousand square feet of meeting space and having a restaurant located on the premises; and

(3) The applicant shall develop, and if granted a special permit shall implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be made except to guests with overnight accommodations at the licensee's resort. The plan shall be subject to approval by the supervisor of alcohol and tobacco control and shall provide a practical method for the division of alcohol and tobacco control and other law enforcement agencies to enforce the provisions of subsection 3 of this section.

3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort.

4. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

5. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any county of the first classification having a charter form of government which does not contain all or part of a city with a population of over three hundred thousand

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inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section.

311.179. ST. LOUIS LAMBERT INTERNATIONAL AIRPORT AND KANSAS CITY INTERNATIONAL AIRPORT, SPECIAL PERMIT, FEE. — 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail in an international airport located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat may apply to the supervisor of alcohol and tobacco control for a special permit which:

(1) Allows the premises located in the international airport in such county to open at 4 a.m. and sell intoxicating liquor by the drink at retail for consumption. The provisions of this section and not those of section [311.097] **311.293** regarding the time of opening shall apply to the sale of intoxicating liquor by the drink at retail for consumption on Sunday;

(2) Allows persons to leave licensed establishments with an alcoholic beverage and enter other airport designated areas located within such airport. No person shall take any alcoholic beverage or beverages outside such designated areas, including onto any airplane; and

(3) Requires every licensee within such international airport to serve alcoholic beverages in containers that display and contain the licensee's trade name or logo or some other mark that is unique to that license and licensee.

2. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

311.190. WINE OR BRANDY MANUFACTURER'S LICENSE, FEE — USE OF MATERIALS PRODUCED OUTSIDE STATE, LIMITATION, EXCEPTION — WHAT SALES MAY BE MADE, WHEN.

— 1. For the privilege of manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of federal law applicable thereto except as may otherwise be specified in this section, in quantities not to exceed five hundred thousand gallons, not in excess of eighteen percent of alcohol by weight for wine, or not in excess of thirty-four percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits, there shall be paid to and collected by the director of revenue, in lieu of the charges provided in section 311.180, a license fee of five dollars for each five hundred gallons or fraction thereof of wine or brandy produced up to a maximum license fee of three hundred dollars.

2. Notwithstanding the provisions of subsection 1 of this section, a manufacturer licensed under this section may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent of the manufacturer's wine entered into fermentation in the prior calendar year.

3. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, the director of the department of agriculture shall determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.

4. A manufacturer licensed under this section may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under this section and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under this section may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so

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that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between [9:00] **6:00 a.m.** and [10:00 p.m.] **1:30 a.m. on Mondays.**

311.200. LICENSES — RETAIL LIQUOR DEALERS — FEES — APPLICATIONS. — 1. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his **or her** store a stock of goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this law. For every license for sale at retail in the original package, the licensee shall pay to the director of revenue the sum of one hundred dollars per year.

2. For a permit authorizing the sale of malt liquor, as defined in section 311.490, by grocers and other merchants and dealers in the original package direct to consumers but not for resale, a fee of fifty dollars per year payable to the director of the department of revenue shall be required. The phrase "original package" shall be construed and held to refer to any package containing one or more standard bottles, cans, or pouches of beer. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of [9:00 a.m. and midnight on Sunday] **6:00 a.m. on Sundays and 1:30 a.m. on Mondays.**

3. For every license issued for the sale of malt liquor, as defined in section 311.490, at retail by drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of [9:00 a.m. and midnight on Sunday] **6:00 a.m. on Sundays and 1:30 a.m. on Mondays.**

4. For every license issued for the sale of malt liquor, as defined in section 311.490, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year.

5. For every license issued for the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, the licensee shall pay to the director of revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating liquor in the original package.

6. For every license issued to any railroad company, railway sleeping car company operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at retail for consumption on its dining cars, buffet cars and observation cars, the sum of one hundred dollars per year. A duplicate of such license shall be posted in every car where such beverage is sold or served, for which the licensee shall pay a fee of one dollar for each duplicate license.

7. All applications for licenses shall be made upon such forms and in such manner as the supervisor of alcohol and tobacco control shall prescribe. No license shall be issued until the sum prescribed by this section for such license shall be paid to the director of revenue.

311.202. SALE OF RETAILER-PACKAGED ALCOHOLIC BEVERAGES TO CUSTOMERS IN CONTAINERS FOR OFF-PREMISES CONSUMPTION, WHEN — REQUIREMENTS. — **1. Notwithstanding any provision of law to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption may sell retailer-packaged alcoholic beverages to customers in containers, filled on such premises by any employee of the**

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retailer who is twenty-one years of age or older, for off-premises consumption if all the following requirements are met:

- (1) The container of the alcoholic beverage is rigid, durable, leak-proof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A "sealable" container does not include a container with a lid with sipping holes or openings for straws;
- (2) The contents of each container do not exceed one hundred twenty eight ounces;
- (3) The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this subdivision, a "meal" is defined as food that has been prepared on-premises;
- (4) The number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption;
- (5) The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and
- (6) The container is either:
 - (a) Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or
 - (b) The container opening is sealed with tamperproof tape.

For purposes of this subdivision, "tamperproof" means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened.

2. Containers that are filled under subsection 1 of this section shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL."

3. The filling of a container under this section shall be in compliance with Section 3-304.17(c) of the 2009 Food and Drug Administration Food Code.

4. No provision of law, or rule or regulation of the division of alcohol and tobacco control, shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish containers that are filled under subsection 1 of this section to any person who is licensed to sell intoxicating liquor at retail.

311.218. FOURTH OF JULY CELEBRATIONS, TEMPORARY PERMITS FOR WINE AND MALT LIQUOR FOR CERTAIN ORGANIZATIONS, FEE. — 1. Other provisions of this chapter to the contrary notwithstanding, a permit for the sale of wine and malt liquor for consumption on the premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for sale of such wine and malt liquor at any picnic, bazaar, fair, festival or similar gathering or event held to commemorate the annual anniversary of the signing of the Declaration of Independence of the United States. Such permit shall be issued only during the period from June fifteenth to July fifteenth annually and only for the day or days named therein and it shall not authorize the sale of wine and malt liquor except between the hours of [10:00] **6:00** a.m. and [midnight] **1:30 a.m.** and for not more than seven days by any such organization. The permit may be issued to cover more than one place of sale within the general confines of the place where the gathering or event is held; provided, however, no permit shall be issued to any organization which selects or restricts the membership thereof on the basis of race, religion, color, creed, or place of national origin. For the permit, the holder thereof shall pay to the director of revenue the sum of one hundred dollars. No provision of law or rule or regulation of the supervisor shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the permit at such gathering or event.

2. As used in this section the term "wine" means a beverage containing not in excess of fourteen percent of alcohol by weight.

311.293. SUNDAY SALES, PACKAGE LIQUOR LICENSEE ALLOWED, HOURS, FEE — CITY OR COUNTY MAY ALSO CHARGE FEE, LIMITATIONS — EXCEPTION. — 1. Except for any establishment that may apply for a license under section 311.089, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor at retail, may apply to the supervisor of alcohol and tobacco control for a special license to sell intoxicating liquor at retail between the hours of [9:00] **6:00** a.m. [and midnight] on Sundays **and 1:30 a.m. on Mondays**. A licensee under this section shall pay to the director of revenue an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

2. In addition to any fee collected pursuant to section 311.220, a city or county may charge and collect an additional fee not to exceed three hundred dollars from any licensee under this section for the privilege of selling intoxicating liquor at retail between the hours of [9:00] **6:00** a.m. [and midnight] on Sundays **and 1:30 a.m. on Mondays** in such city or county; however the additional fee shall not exceed the fee charged by that city or county for a special license issued pursuant to any provision of this chapter which allows a licensee to sell intoxicating liquor by the drink for consumption on the premises of the licensee on Sundays.

3. The provisions of this section regarding the time of closing shall not apply to any person who possesses a special permit issued under section 311.174, 311.176, or 311.178.

311.480. EATING PLACES, DRINKING OF INTOXICATING LIQUOR ON PREMISES, LICENSE REQUIRED, WHEN, HOURS — REGULATIONS — PENALTIES — EXCEPTIONS. — 1. It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating liquor in the premises, without having a license as in this section provided.

2. Application for such license shall be made to the supervisor of alcohol and tobacco control on forms to be prescribed by him **or her**, describing the premises to be licensed and giving all other reasonable information required by the form. The license shall be issued upon the payment of the fee required in this section. A license shall be required for each separate premises and shall expire on the thirtieth day of June next succeeding the date of such license. The license fee shall be sixty dollars per year and the applicant shall pay five dollars for each month or part thereof remaining from the date of the license to the next succeeding first of July. Applications for renewals of licenses shall be filed on or before the first of May of each year.

3. The drinking or consumption of intoxicating liquor shall not be permitted in or upon the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any [weekday, and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday] **day of the week**. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and the regulations promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating liquor by the drink. The provision of this section regulating the drinking or consumption of intoxicating liquor between certain hours and on Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor by the drink. In any incorporated city having a population of more than twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of incorporated cities may, in addition to the license fee required in this section, require a license fee not exceeding three hundred dollars per annum, payable to the incorporated cities, and provide for the collection thereof; make and enforce ordinances regulating the hours of consumption of intoxicating liquors on premises licensed hereunder, not inconsistent with the other provisions of this

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law, and provide penalties for the violation thereof. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village.

4. Any premises operated in violation of the provisions of this section, or where intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and common nuisance, and it shall be the duty of the supervisor of alcohol and tobacco control and of the prosecuting or circuit attorney of the city of St. Louis, and the prosecuting attorney of the county in which the premises are located, to enjoin such nuisance.

5. Any person operating any premises, or any employee, agent, representative, partner, or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, is guilty of a class A misdemeanor.

6. The supervisor of alcohol and tobacco control is hereby empowered to promulgate regulations necessary or reasonably designed to enforce or construe the provisions of this section, and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter, for violation of this section or any of the laws or regulations herein made applicable to the conduct of premises licensed hereunder.

7. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor at retail.

8. No intoxicating liquor may be served or sold on any premises used as a polling place on election day.

311.482. TEMPORARY PERMIT FOR SALE BY DRINK MAY BE ISSUED TO CERTAIN ORGANIZATIONS, WHEN, DURATION — COLLECTION OF SALES TAXES, NOTICE TO DIRECTOR OF REVENUE. — 1. Notwithstanding any other provision of this chapter, a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven days by any such club or organization.

2. To secure the permit, the applicant shall complete a form provided by the supervisor, but no applicant shall be required to furnish a personal photograph as part of the application. The applicant shall pay a fee of twenty-five dollars for such permit.

3. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at [11:00] **6:00** a.m.

4. At the same time that an applicant applies for a permit under the provisions of this section, the applicant shall notify the director of revenue of the holding of the event and by such notification, by certified mail, shall accept responsibility for the collection and payment of any applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days after the close of the event, and failure to do so shall result in a liability of triple the amount of the tax due plus payment of the tax, and denial of any other permit for a period of three years. Under no circumstances shall a bond be required from the applicant.

5. No provision of law or rule or regulation of the supervisor shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

311.620. QUALIFICATION AND REQUIREMENTS OF AGENT, ASSISTANT, DEPUTY, OR INSPECTOR. — 1. No person shall be appointed as agent, assistant, deputy or inspector under the provisions of the liquor control law who shall have been convicted of or against whom any indictment may be pending for any offense; nor shall any person be appointed as such agent, assistant, deputy or inspector who is not of good character or who is not a citizen of the United States, and who is not [or has not been] a resident taxpaying citizen of the state [for a period of three years previous to his] **at the time of his or her** appointment; or who is not able to read and write the English language or who does not possess ordinary physical strength and who is not able to pass such physical and mental examination as the [majority of a board, consisting of the governor, lieutenant governor, attorney general, and the] supervisor of [liquor] **alcohol and tobacco** control may prescribe.

2. No agent, assistant, deputy or inspector so appointed shall hold any other commission or office, elective or appointive or accept any other employment compensation while he **or she** is an employee of the [department of liquor] **division of alcohol and tobacco** control, except with the written permission of the supervisor of [liquor] **alcohol and tobacco** control. No agent, assistant, deputy or inspector of the [department of liquor] **division of alcohol and tobacco** control shall accept any reward or gift other than his **or her** regular salary and expenses as provided in this chapter. No agent, assistant, deputy or inspector of the [department of liquor] **division of alcohol and tobacco** control shall perform any police duty connected with the conduct of any election, nor at any time or in any manner electioneer for or against any party ticket, or any candidate for nomination or office on any party ticket, nor for or against any proposition of any kind or nature to be voted upon at any election.

3. The agents, assistants, deputies and inspectors appointed under the provisions of section 311.610 shall before entering upon the discharge of their duties, each take and subscribe an oath to support the Constitution and laws of the United States and the State of Missouri and to faithfully demean themselves in office in the form prescribed by Section 11, Article VII of the Constitution of this State, and they shall each give bond to be approved by the supervisor of [liquor] **alcohol and tobacco** control for faithful performance of the duties of their respective offices and to safely keep and account for all moneys and property received by them. This bond shall be in the sum of five thousand dollars, and the cost of furnishing all such bonds shall be paid by the state.

4. Any agent, assistant, deputy or inspector of the [department of liquor] **division of alcohol and tobacco** control who shall violate the provisions of this chapter shall be immediately discharged.

311.710. ADDITIONAL COMPLAINTS — BY WHOM MADE — PROCEDURE. — 1. In addition to the penalties and proceedings for suspension or revocation of licenses provided for in this chapter, and without limiting them, proceedings for the suspension or revocation of any license authorizing the sale of intoxicating liquor at retail may be brought in the circuit court of any county in this state, or in the city of St. Louis, in which the licensed premises are located and such proceedings may be brought by the sheriff or any peace officer of that county or by any eight or more persons who are taxpaying citizens of the county or city for any of the following offenses:

(1) Selling, giving or otherwise supplying intoxicating liquor to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor;

(2) Knowingly permitting any prostitute, degenerate, or dissolute person to frequent the licensed premises;

(3) Permitting on the licensed premises any disorderly conduct, breach of the peace, or any lewd, immoral or improper entertainment, conduct or practices;

(4) Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under his **or her** license;

(5) Selling, giving, or otherwise supplying intoxicating liquor to any person under the age of twenty-one years;

(6) Selling, giving or otherwise supplying intoxicating liquors between the hours of [12:00 midnight Saturday night and 12:00 midnight Sunday night] **1:30 a.m. and 6:00 a.m. any day of the week.**

2. Provided, that said taxpaying citizen shall submit in writing, under oath, by registered United States mail to the supervisor of [liquor] **alcohol and tobacco** control a joint complaint, stating the name of the licensee, the name under which the licensee's business is conducted and the address of the licensed premises, setting out in general the character and nature of the offense or offenses charged, together with the names and addresses of the witnesses by whom proof thereof is expected to be made; and provided, that after a period of thirty days after the mailing of such complaint to the supervisor of [liquor] **alcohol and tobacco** control the person therein complained of shall not have been cited by the supervisor to appear and show cause why his **or her** license should not be suspended or revoked then they shall file with the circuit clerk of the county or city in which the premises are located a copy of the complaint on file with the supervisor of [liquor] **alcohol and tobacco** control.

3. If, pursuant to the receipt of such complaint by the supervisor of [liquor] **alcohol and tobacco** control, the licensee appears and shows cause why his **or her** license should not be suspended or revoked at a hearing held for that purpose by the supervisor and either the complainants or the licensee consider themselves aggrieved with the order of the supervisor then, after a request in writing by either the complainants or the licensee, the supervisor shall certify to the circuit clerk of the county or city in which the licensed premises are located a copy of the original complaint filed with him **or her**, together with a copy of the transcript of the evidence adduced at the hearing held by him **or her**. Such certification by the supervisor shall not act as a supersedeas of any order made by him **or her**.

4. Upon receipt of such complaint, whether from the complainant directly or from the supervisor of [liquor] **alcohol and tobacco** control, the court shall set a date for an early hearing thereon and it shall be the duty of the circuit clerk to cause to be delivered by registered United States mail to the prosecuting attorney of the county or to the circuit attorney of the city of St. Louis and to the licensee copies of the complaint and he **or she** shall, at the same time, give notice of the time and place of the hearing. Such notice shall be delivered to the prosecuting attorney or to the circuit attorney and to the licensee at least fifteen days prior to the date of the hearing.

5. The complaint shall be heard by the court without a jury and if there has been a prior hearing thereon by the supervisor of [liquor] **alcohol and tobacco** control then the case shall be heard de novo and both the complainants and the licensee may produce new and additional evidence material to the issues.

6. If the court shall find upon the hearing that the offense or offenses charged in the complaint have been established by the evidence, the court shall order the suspension or revocation of the license but, in so doing, shall take into consideration whatever order, if any, may have been made in the premises by the supervisor of [liquor] **alcohol and tobacco** control. If the court finds that to revoke the license would be unduly severe, then the court may suspend the license for such period of time as the court deems proper.

7. The judgment of the court in no event shall be superseded or stayed during pendency of any appeal therefrom.

8. It shall be the duty of the prosecuting attorney or circuit attorney to prosecute diligently and without delay any such complaints coming to him **or her** by virtue of this section.

9. The jurisdiction herein conferred upon the circuit courts to hear and determine complaints for the suspension or revocation of licenses in the manner provided in this section shall not be exclusive and any authority conferred upon the supervisor of [liquor] **alcohol and tobacco** control to revoke or suspend licenses shall remain in full force and effect, and the suspension or revocation of a license as

provided in this section shall be in addition to and not in lieu of any other revocation or suspension provided by this chapter.

10. Costs accruing because of such hearings in the circuit court shall be taxed in the same manner as criminal costs.

Approved July 7, 2021

CCS HCS SS SCS SB 153 & 97

Enacts provisions relating to taxation, with penalty provisions, a delayed effective date for certain sections, and an emergency clause for certain sections.

AN ACT to repeal sections 32.310, 67.1401, 67.1421, 67.1451, 67.1461, 67.1471, 67.1481, 67.1545, 67.2677, 67.2689, 99.020, 99.320, 99.805, 99.810, 99.820, 99.843, 99.847, 99.848, 99.918, 99.1082, 100.310, 135.950, 137.115, 143.011, 143.121, 143.171, 144.011, 144.014, 144.020, 144.049, 144.054, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 262.900, 353.020, and 620.2005, RSMo, and to enact in lieu thereof forty-nine new sections relating to taxation, with penalty provisions, a delayed effective date for certain sections, and an emergency clause for certain sections.

SECTION

- A Enacting clause.
- 32.310 Political subdivision sales and use tax information, mapping feature on website — requirements — change of boundaries, notice required.
- 67.1401 Definitions.
- 67.1421 Public hearing to establish — petition, requirements — clerk's duties — amended petition — clerk to report.
- 67.1451 Board of directors, election, qualifications, appointment, terms, removal, actions.
- 67.1461 Powers of district — reimbursement of municipality — limitations — contracts to be competitively bid, when.
- 67.1471 Fiscal year — budget — meeting — report — audit.
- 67.1481 Termination of district, procedure — extension of district prior to termination, procedure.
- 67.1545 Sales and use tax authorized in certain districts — procedure to adopt, ballot language, imposition and collection by retailers — penalties for violations — deposit into trust fund, use — repeal procedure — display of rate by retailer.
- 67.2677 Definitions.
- 67.2680 Satellite or streaming video services, no new tax, license, or fee.
- 67.2689 Fee authorized, amount — exception — adjustment of fee, when.
- 67.2720 Task force established — members, meetings, duties — report — expenses — expiration date.
- 99.020 Definitions.
- 99.320 Definitions.
- 99.805 Definitions.
- 99.810 Redevelopment plan, contents, adoption of plan, required findings — TIF restriction — reports by department of economic development, required when, contents.

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- 99.820 Municipalities' powers and duties — public disclosure requirements — officials' conflict of interest, prohibited — commission appointment and powers — transparency of records.
- 99.821 Redevelopment plans, TIF revenue deposited in infrastructure for economic growth fund — use of moneys (St. Louis City).
- 99.843 Greenfield areas, no new projects to be designated, when.
- 99.847 No new TIF projects authorized for flood plain areas, applicability of restriction. (Clay, Cole, Jackson, Platte, and St. Charles counties; cities of Hannibal, Jefferson City, Springfield, and St. Joseph)
- 99.848 Emergency services property tax or economic activities tax, reimbursement from special allocation fund authorized, when — rate set by board or governing body.
- 99.918 Definitions.
- 99.1082 Definitions.
- 100.310 Definitions.
- 135.950 Definitions.
- 137.115 Real and personal property, assessment — classes of property, assessment — physical inspection required, when, procedure — opt-out provision — mine property assessment.
- 143.011 Resident individuals — tax rates.
- 143.121 Missouri adjusted gross income.
- 143.171 Federal income tax deduction, amount, corporate and individual taxpayers.
- 143.177 Missouri working family tax credit act — definitions — tax credit for percentage of federal earned income tax credit — department duties — annual report — rulemaking authority.
- 144.011 Sale at retail not to include certain transfers.
- 144.014 Food, retail sales of, rate of tax, revenue deposited in school district trust fund — definition of food.
- 144.020 Rate of tax — tickets, notice of sales tax.
- 144.049 Sales tax holiday for clothing, personal computers, and school supplies, when.
- 144.054 Additional sales tax exemptions for various industries and political subdivisions.
- 144.080 Seller responsible for tax — rules — returns — advertising absorption of tax, stated on invoice or receipt — violation, penalty.
- 144.140 Seller may retain two percent of tax.
- 144.526 Show Me Green sales tax holiday — sales tax exemption for energy star certified new appliances — political subdivision may allow exemption — retailer exception.
- 144.605 Definitions.
- 144.608 Securing payment and accounting for tax collection, department duties — rulemaking authority — sunset provision.
- 144.637 Boundary change database for taxing jurisdictions, requirements — immunity from liability, when.
- 144.638 Taxability matrix, products and services — purchaser not subject to penalty for failure to remit proper amount of tax, when.
- 144.752 Marketplace facilitators, registration required — separate reporting and remittance of tax, procedure — rulemaking language.
- 144.757 Local use tax — rate of tax — ballot of submission — notice to director of revenue — repeal or reduction of local sales tax, effect on local use tax.
- 144.759 Collection of additional local use tax — deposit in local use tax trust fund, not part of state revenue — distribution to counties and municipalities — refunds — notification to director of revenue on abolishment of tax.

- 262.900 Definitions — application, requirements — board established, members, duties — public hearing — ordinance — property exempt from taxation — sales tax revenues, deposit of — fund created — rulemaking authority.
- 353.020 Definitions.
- 620.2005 Definitions.
 - I Out-of-state vendor purchases subject to expansion of use tax, newspaper notice, requirements.
- 144.710 Allowance to vendor for collecting.
- 144.1000 Citation of act.
- 144.1003 Definitions.
- 144.1006 Multistate discussions permitted, state representation, duties.
- 144.1009 Agreements not to invalidate or amend state law — action of general assembly required for implementation of conditions, procedure.
- 144.1012 Elements of agreement, number of delegates necessary to enter into.
- 144.1015 Features of agreement to be considered.
 - B Effective date for certain sections.
 - C Emergency clause for certain sections.
 - D Effective date for a certain section.

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

SECTION A. ENACTING CLAUSE. — Sections 32.310, 67.1401, 67.1421, 67.1451, 67.1461, 67.1471, 67.1481, 67.1545, 67.2677, 67.2689, 99.020, 99.320, 99.805, 99.810, 99.820, 99.843, 99.847, 99.848, 99.918, 99.1082, 100.310, 135.950, 137.115, 143.011, 143.121, 143.171, 144.011, 144.014, 144.020, 144.049, 144.054, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 262.900, 353.020, and 620.2005, RSMo, are repealed and forty-nine new sections enacted in lieu thereof, to be known as sections 32.310, 67.1401, 67.1421, 67.1451, 67.1461, 67.1471, 67.1481, 67.1545, 67.2677, 67.2680, 67.2689, 67.2720, 99.020, 99.320, 99.805, 99.810, 99.820, 99.821, 99.843, 99.847, 99.848, 99.918, 99.1082, 100.310, 135.950, 137.115, 143.011, 143.121, 143.171, 143.177, 144.011, 144.014, 144.020, 144.049, 144.054, 144.080, 144.140, 144.526, 144.605, 144.608, 144.637, 144.638, 144.752, 144.757, 144.759, 262.900, 353.020, 620.2005, and 1, to read as follows:

32.310. POLITICAL SUBDIVISION SALES AND USE TAX INFORMATION, MAPPING FEATURE ON WEBSITE — REQUIREMENTS — CHANGE OF BOUNDARIES, NOTICE REQUIRED. — 1. The department of revenue shall create and maintain a mapping feature on its official public website that displays sales **and use** tax information of political subdivisions of this state that have taxing authority, including the current tax rate for each sales **and use** tax imposed and collected. Such display shall have the option to showcase the borders and jurisdiction of the following political subdivisions on a map of the state to the extent that such political subdivisions collect sales **and use** tax:

- (1) Ambulance districts;
- (2) Community improvement districts;
- (3) Fire protection districts;
- (4) Levee districts;
- (5) Library districts;
- (6) Neighborhood improvement districts;
- (7) Port authority districts;
- (8) Tax increment financing districts;
- (9) Transportation development districts;

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

- (10) School districts; or
- (11) Any other political subdivision that imposes a sales **or use** tax within its borders and jurisdiction.

2. The mapping feature shall also have the option to superimpose state house of representative districts and state senate districts over the political subdivisions.

3. A political subdivision collecting sales **or use** tax listed in subsection 1 of this section shall provide to the department of revenue mapping and geographic data pertaining to the political subdivision's borders and jurisdictions. The political subdivision shall certify the accuracy of the data by affidavit and shall provide the data in a format specified by the department of revenue. Such data **relating to sales taxes** shall be sent to the department of revenue by April 1, 2019, and shall be updated and sent to the department if a change in the political subdivision's borders or jurisdiction occurs thereafter. **Such data relating to use taxes shall be sent to the department of revenue by January 1, 2022. If a political subdivision fails to provide the information required under this subsection, the department of revenue shall use the last known sales or use tax rate for such political subdivision.**

4. The department of revenue may contract with another entity to build and maintain the mapping feature.

5. By July 1, 2019, the department shall implement the mapping feature using the sales tax data provided to it under subsection 3 of this section. **By July 1, 2022, the department shall implement the mapping feature using use tax data provided to it under subsection 3 of this section.**

6. **By July 1, 2022, the department shall update the mapping feature to include the total sales tax rate for combined rates of overlapping sales taxes levied and the total use tax rate for combined rates of overlapping use taxes levied.**

7. **If the boundaries of a political subdivision listed in subsection 1 of this section in which a sales or use tax has been imposed shall thereafter be changed or altered, the political subdivision shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the political subdivision within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map in a form to be determined by the director of revenue. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law shall be effective in the added territory or abolished in the detached territory on the first day of a calendar quarter after one hundred twenty days' notice to sellers.**

67.1401. DEFINITIONS. — 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", [an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use;

or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, sections 99.800 to 99.865, or sections 99.300 to 99.715] **the same meaning as defined pursuant to section 99.805;**

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

(6) "District", a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115;

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city, village, incorporated town, or county of this state, or in any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with respect to a condominium created under sections 448.1-101 to 448.4-120, "per capita" means one head count applied to the applicable unit owners' association and not to each unit owner;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property which is not exempt from assessment or levy of taxes by the district and which is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, of the thirtieth day prior to the date of the applicable election; and

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

67.1421. PUBLIC HEARING TO ESTABLISH — PETITION, REQUIREMENTS — CLERK'S DUTIES — AMENDED PETITION — CLERK TO REPORT. — 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, [the improvements] **each improvement** it will make [and] **from the list of allowable improvements under section 67.1461**, an estimate of the costs of these services and improvements to be incurred, **the anticipated sources of funds to pay the costs, and the anticipated term of the sources of funds to pay the costs;**

(e) A statement as to whether the district will be a political subdivision or a not-for-profit corporation and if it is to be a not-for-profit corporation, the name of the not-for-profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district, **which in the case of districts established after August 28, 2021, shall not exceed twenty-seven years from the adoption of the ordinance establishing the district unless the municipality extends the length of time under section 67.1481;**

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate;

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(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner: _____
 Owner's telephone number and mailing address: _____
 If signer is different from owner:
 Name of signer: _____
 State basis of legal authority to sign: _____
 Signer's telephone number and mailing address: _____
 If the owner is an individual, state if owner is single or married: _____
 If owner is not an individual, state what type of entity: _____
 Map and parcel number and assessed value of each tract of real property within the proposed district owned: _____

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above

Signature of person signing for owner	Date
STATE OF MISSOURI)	
) ss.	
COUNTY OF _____)	

Before me personally appeared _____, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this _____ day of _____ (month), _____ (year).

 Notary Public

My Commission Expires: _____ ; and

(5) Alternatively, the governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may file a petition to initiate the process to establish a district in the portion of the city located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants containing the information required in subdivision (3) of this subsection; provided that the only funding methods for the services and improvements will be a real property tax.

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. After the close of the public hearing required pursuant to subsection 1 of this section, the governing body of the municipality may adopt an ordinance approving the petition and establishing a district as set forth in the petition and may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area. If the petition was filed by the governing body of a municipality pursuant to subdivision (5) of subsection 2 of this section, after the close of the public hearing required pursuant to subsection 1 of this section, the petition may be approved by the governing body and an election shall be called pursuant to section 67.1422.

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5. Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development **and the state auditor.**

67.1451. BOARD OF DIRECTORS, ELECTION, QUALIFICATIONS, APPOINTMENT, TERMS, REMOVAL, ACTIONS. — 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355.

2. (1) The district shall be governed by a board consisting of at least five but not more than thirty directors.

(2) **Except as otherwise provided in this subsection,** each director shall, during his or her entire term], be]:

[(1)] (a) **Be** at least eighteen years of age; [and

(2)] (b) **Be** either:

[(a)] a. An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

[(b)] b. A registered voter residing within the district; and

[(3)] (c) **Satisfy** any other qualifications set forth in the petition establishing the district.

(3) **In the case of districts established after August 28, 2021, if there are no registered voters in the district on the date the petition is filed, at least one director shall, during his or her entire term, be a person who:**

(a) **Resides within the municipality that established the district;**

(b) **Is qualified and registered to vote under chapter 115 according to the records of the election authority as of the thirtieth day prior to the date of the applicable election;**

(c) **Has no financial interest in any real property or business operating within the district;**
and

(d) **Is not a relative within the second degree of consanguinity or affinity to an owner of real property or a business operating in the district.**

(4) If there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district.

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition. **However, in the case of districts established after August 28, 2021, if the board is to be elected, the petition shall require at least one member of the board be appointed by the governing body of the municipality in the same manner as provided in this section for board appointments. The appointed board member shall serve a four-year term.**

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected;

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. Each successor director shall serve a term for the length specified prior to the election by the district, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected

In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial

directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

67.1461. POWERS OF DISTRICT — REIMBURSEMENT OF MUNICIPALITY — LIMITATIONS — CONTRACTS TO BE COMPETITIVELY BID, WHEN. — 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to subdivision (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100. Those exempt pursuant to subdivisions (2) and (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

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- (13) To loan money as provided in sections 67.1401 to 67.1571;
- (14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;
- (15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;
- (16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:
 - (a) Pedestrian or shopping malls and plazas;
 - (b) Parks, lawns, trees, and any other landscape;
 - (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;
 - (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;
 - (e) Parking lots, garages, or other facilities;
 - (f) Lakes, dams, and waterways;
 - (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;
 - (h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;
 - (i) Paintings, murals, display cases, sculptures, and fountains;
 - (j) Music, news, and child-care facilities; and
 - (k) Any other useful, necessary, or desired **public improvement specified in the petition or any amendment**;
- (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;
- (18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- (19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;
- (20) Within its boundaries, to lease space for sidewalk café tables and chairs;
- (21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;
- (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;
- (23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;
- (24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;
- (25) To provide or support training programs for employees of businesses within the district;
- (26) To provide refuse collection and disposal services within the district;
- (27) To contract for or conduct economic, planning, marketing or other studies;
- (28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and
- (29) To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the

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telecommunications company or broadband service provider, as the terms "telecommunications company" and "telecommunications facilities" are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development;

(30) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

6. All construction contracts entered into after August 28, 2021, in excess of five thousand dollars between a district that has adopted a sales tax and any private person, firm, or corporation shall be competitively bid and shall be awarded to the lowest and best bidder. Notice of the letting of the contracts shall be given in the manner provided by section 8.250.

67.1471. FISCAL YEAR — BUDGET — MEETING — REPORT — AUDIT. — 1. The fiscal year for the district shall be the same as the fiscal year of the municipality.

2. No earlier than one hundred eighty days and no later than ninety days prior to the first day of each fiscal year, the board shall submit to the governing body of the city a proposed annual budget, setting forth expected expenditures, revenues, and rates of assessments and taxes, if any, for such fiscal year. The governing body may review and comment to the board on this proposed budget, but if such comments are given, the governing body of the municipality shall provide such written comments to the board no later than sixty days prior to the first day of the relevant fiscal year; such comments shall not constitute requirements but shall only be recommendations.

3. The board shall hold an annual meeting and adopt an annual budget no later than thirty days prior to the first day of each fiscal year.

4. Within one hundred twenty days after the end of each fiscal year, the district shall submit a report to the municipal clerk and the Missouri department of economic development [stating]. **The report shall state the services provided, revenues collected, and expenditures made by the district during such fiscal year[.]; state the dates the district adopted its annual budget, submitted its proposed annual**

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budget to the municipality, and submitted its annual report to the municipal clerk; and include copies of written resolutions approved by the board during the fiscal year. The municipal clerk shall retain this report as part of the official records of the municipality and shall also cause this report to be spread upon the records of the governing body.

5. The state auditor may audit a district in the same manner as the auditor may audit any agency of the state.

67.1481. TERMINATION OF DISTRICT, PROCEDURE — EXTENSION OF DISTRICT PRIOR TO TERMINATION, PROCEDURE. — 1. Each ordinance establishing a district shall set forth the term for the existence of such district which term may be defined as a minimum, maximum, or definite number of years, **but in the case of districts established after August 28, 2021, the term shall not exceed twenty-seven years except as provided under subsection 6 of this section.**

2. Upon receipt by the municipal clerk of a proper petition and after notice and a public hearing, any district may be terminated by ordinance adopted by the governing body of the municipality prior to the expiration of its term if the district has no outstanding obligations. A copy of such ordinance shall be given to the department of economic development.

3. A petition for the termination of a district is proper if:

- (1) It names the district to be terminated;
- (2) It has been signed by owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district;
- (3) It has been signed by more than fifty percent per capita of owners of real property within the boundaries of the district;
- (4) It contains a plan for dissolution and distribution of the assets of the district; and
- (5) The signature block signed by each petitioner is in the form set forth in subdivision (4) of subsection 2 of section 67.1421.

4. The public hearing required by this section shall be held and notice of such public hearing shall be given in the manner set forth in section 67.1431. The notice shall contain the following information:

- (1) The date, time and place of the public hearing;
- (2) A statement that a petition requesting the termination of the district has been filed with the municipal clerk;
- (3) A statement that a copy of the petition is available at the office of the municipal clerk during regular business hours; and
- (4) A statement that all interested parties will be given an opportunity to be heard.

5. Upon expiration or termination of a district, the assets of such district shall **either** be [distributed] **sold or transferred** in accordance with the plan for dissolution as approved by ordinance. Every effort should be made by the municipality for the assets of the district to be distributed in such a manner so as to benefit the real property which was formerly a part of the district.

6. Prior to the expiration of the term of a district, a municipality may adopt an ordinance to extend the term of the existence of a district after holding a public hearing on the proposed extension. The extended term may be defined as a minimum, maximum, or definite number of years, but the extended term shall not exceed twenty-seven years. Notice of the hearing shall be given in the same manner as required under section 67.1431, except the notice shall include the time, date, and place of the public hearing; the name of the district; a map showing the boundaries of the existing district; and a statement that all interested persons shall be given an opportunity to be heard at the public hearing.

67.1545. SALES AND USE TAX AUTHORIZED IN CERTAIN DISTRICTS — PROCEDURE TO ADOPT, BALLOT LANGUAGE, IMPOSITION AND COLLECTION BY RETAILERS — PENALTIES FOR

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

VIOLATIONS — DEPOSIT INTO TRUST FUND, USE — REPEAL PROCEDURE — DISPLAY OF RATE BY RETAILER.

1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the _____ (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of _____ (insert amount) for a period of _____ (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for _____ (insert general description of the purpose)?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285.

7. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

8. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the

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district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

10. Notwithstanding the provisions of chapter 115, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

11. In each district in which a sales tax is imposed under this section, every retailer shall prominently display the rate of the sales tax imposed or increased at the cash register area.

67.2677. DEFINITIONS. — For purposes of sections 67.2675 to 67.2714, the following terms mean:

- (1) "Cable operator", as defined in 47 U.S.C. Section 522(5);
- (2) "Cable system", as defined in 47 U.S.C. Section 522(7);
- (3) "Franchise", an initial authorization, or renewal of an authorization, issued by a franchising entity, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the provision of video service and any affiliated or subsidiary agreements related to such authorization;
- (4) "Franchise area", the total geographic area authorized to be served by an incumbent cable operator in a political subdivision as of August 28, 2007, or, in the case of an incumbent local exchange carrier, as such term is defined in 47 U.S.C. Section 251(h), or affiliate thereof, the area within such political subdivision in which such carrier provides telephone exchange service;
- (5) "Franchise entity", a political subdivision that was entitled to require franchises and impose fees on cable operators on the day before the effective date of sections 67.2675 to 67.2714, provided that only one political subdivision may be a franchise entity with regard to a geographic area;
- (6) (a) "Gross revenues", limited to amounts billed to video service subscribers [or received from advertisers] for the following:
 - a. Recurring charges for video service; **and**
 - b. Event-based charges for video service, including but not limited to pay-per-view and video-on-demand charges;
 - c. Rental of set top boxes and other video service equipment;
 - d. Service charges related to the provision of video service, including but not limited to activation, installation, repair, and maintenance charges;
 - e. Administrative charges related to the provision of video service, including but not limited to service order and service termination charges; and
 - f. A pro rata portion of all revenue derived, less refunds, rebates, or discounts, by a video service provider for advertising over the video service network to subscribers within the franchise area where the numerator is the number of subscribers within the franchise area, and the denominator is the total number of subscribers reached by such advertising;]
- (b) "Gross revenues" do not include:
 - a. Discounts, refunds, and other price adjustments that reduce the amount of compensation received by an entity holding a video service authorization;
 - b. Uncollectibles;
 - c. Late payment fees;
 - d. Amounts billed to video service subscribers to recover taxes, fees, or surcharges imposed on video service subscribers or video service providers in connection with the provision of video services, including the video service provider fee authorized by this section;
 - e. Fees or other contributions for PEG or I-Net support; [or]
 - f. Charges for services other than video service that are aggregated or bundled with amounts billed to video service subscribers, if the entity holding a video service authorization reasonably can identify such charges on books and records kept in the regular course of business or by other reasonable means;

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g. Rental of set top boxes, modems, or other equipment used to provide or facilitate the provision of video service;

h. Service charges related to the provision of video service including, but not limited to, activation, installation, repair, and maintenance charges;

i. Administrative charges related to the provision of video service including, but not limited to, service order and service termination charges; or

j. A pro rata portion of all revenue derived from advertising, less refunds, rebates, or discounts;

(c) Except with respect to the exclusion of the video service provider fee, gross revenues shall be computed in accordance with generally accepted accounting principles;

(7) "Household", an apartment, a house, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters;

(8) "Incumbent cable operator", the cable service provider serving cable subscribers in a particular franchise area on September 1, 2007;

(9) "Low-income household", a household with an average annual household income of less than thirty-five thousand dollars;

(10) "Person", an individual, partnership, association, organization, corporation, trust, or government entity;

(11) "Political subdivision", a city, town, village, county;

(12) "Public right-of-way", the area of real property in which a political subdivision has a dedicated or acquired right-of-way interest in the real property, including the area on, below, or above the present and future streets, alleys, avenues, roads, highways, parkways, or boulevards dedicated or acquired as right-of-way and utility easements dedicated for compatible uses. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other nonwire telecommunications or broadcast service;

(13) "Video programming", programming provided by, or generally considered comparable to programming provided by, a television broadcast station, as set forth in 47 U.S.C. Section 522(20);

(14) "Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet;

(15) "Video service authorization", the right of a video service provider or an incumbent cable operator that secures permission from the public service commission pursuant to sections 67.2675 to 67.2714, to offer video service to subscribers in a political subdivision;

(16) "Video service network", wireline facilities, or any component thereof, located at least in part in the public right-of-way that deliver video service, without regard to delivery technology, including internet protocol technology or any successor technology. The term video service network shall include cable systems;

(17) "Video service provider", any person that distributes video service through a video service network pursuant to a video service authorization;

(18) "Video service provider fee", the fee imposed under section 67.2689.

67.2680. SATELLITE OR STREAMING VIDEO SERVICES, NO NEW TAX, LICENSE, OR FEE. — The state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, upon the provision of satellite or streaming video service.

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67.2689. FEE AUTHORIZED, AMOUNT — EXCEPTION — ADJUSTMENT OF FEE, WHEN. — 1.

A franchise entity may collect a video service provider fee equal to not more than five percent of the gross revenues [from each] **charged to each customer of a video service provider that is providing video service in the geographic area of such franchise entity.** The video service provider fee shall apply equally to all video service providers within the geographic area of a franchise entity.

2. Beginning August 28, 2023, franchise entities are prohibited from collecting a video service provider fee in excess of four and one-half percent of such gross revenues. Beginning August 28, 2024, franchise entities are prohibited from collecting a video service provider fee in excess of four percent of such gross revenues. Beginning August 28, 2025, franchise entities are prohibited from collecting a video service provider fee in excess of three and one-half percent of such gross revenues. Beginning August 28, 2026, franchise entities are prohibited from collecting a video service provider fee in excess of three percent of such gross revenues. Beginning August 28, 2027, and continuing thereafter, franchise entities are prohibited from collecting a video service provider fee in excess of two and one-half percent of such gross revenues.

3. Except as otherwise expressly provided in sections 67.2675 to 67.2714, neither a franchise entity nor any other political subdivision shall demand any additional fees, licenses, gross receipt taxes, or charges on the provision of video services by a video service provider and shall not demand the use of any other calculation method.

[3. All video service providers providing service in the geographic area of a franchise entity shall pay the video service provider fee at the same percent of gross revenues as had been assessed on the incumbent cable operator by the franchise entity immediately prior to the date of enactment of sections 67.2675 to 67.2714, and such percentage shall continue to apply until the date that the incumbent cable operator's franchise existing at that time expires or would have expired if it had not been terminated pursuant to sections 67.2675 to 67.2714. The franchise entity shall notify the applicant for a video service authorization of the applicable gross revenue fee percentage within thirty days of the date notice of the applicant is provided.]

4. Not more than once per calendar year after the date that the incumbent cable operator's franchise existing on August 28, 2007, expires or would have expired if it had not been terminated pursuant to sections 67.2675 to 67.2714, or in any political subdivision where no franchise applied on the date of enactment of sections 67.2675 to 67.2714, no more than once per calendar year after the video service provider fee was initially imposed, a franchise entity, may, upon ninety days notice to all video service providers, elect to adjust the amount of the video service provider fee subject to state and federal law, but in no event shall such fee exceed [five percent of a video service provider's gross revenue] **the calculation defined in subsections 1 and 2 of this section.**

5. The video service provider fee shall be paid to each franchise entity requiring such fee on or before the last day of the month following the end of each calendar quarter [and shall be calculated as a percentage of gross revenues, as defined under section 67.2677]. Any payment made pursuant to subsection 8 of section 67.2703 shall be made at the same time as the payment of the video service provider fee.

6. Any video service provider [may] **shall** identify and collect the amount of the video service provider fee and collect any support under subsection 8 of section 67.2703 as separate line items on subscriber bills.

67.2720. TASK FORCE ESTABLISHED — MEMBERS, MEETINGS, DUTIES — REPORT — EXPENSES — EXPIRATION DATE. — 1. There is hereby established the "Task Force on the Future of Right-Of-Way Management and Taxation", which shall be composed of the following members:

(1) Two members of the senate to be appointed by the president pro tempore of the senate;

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- (2) One member of the senate to be appointed by the minority floor leader of the senate;
- (3) Two members of the house of representatives to be appointed by the speaker of the house of representatives;
- (4) One member of the house of representatives to be appointed by the minority floor leader of the house of representatives;
- (5) Four members that are municipal officials or other political subdivision officials, two to be appointed by the president pro tempore of the senate and two to be appointed by the speaker of the house of representatives;
- (6) Four experts in the telecommunications industry, two to be appointed by the president pro tempore of the senate and two to be appointed by the speaker of the house of representatives;
- (7) A member of the municipal league of metro St. Louis appointed by the speaker of the house of representatives; and
- (8) A member of the Missouri municipal league appointed by the president pro tempore of the senate.

2. A majority of the members of the task force shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the task force's duties.

3. The task force shall meet within thirty days after its creation and organize by selecting a chair and a vice chair, one of whom shall be a member of the senate and the other a member of the house of representatives.

4. The task force shall study best methods for right-of-way management, taxation of video services, and the future revenue needs of municipalities and political subdivisions as such revenue relates to video services.

5. The task force shall compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than December 31, 2023, and shall include any recommendations which the task force may have for legislative action.

6. The task force shall be staffed by legislative personnel as is deemed necessary to assist the task force in the performance of its duties.

7. The members of the task force shall serve without compensation, but any actual and necessary expenses incurred in the performance of the task force's official duties by the task force, its members, and any staff assigned to the task force shall be paid from the joint contingent fund.

8. This section shall expire on December 31, 2023.

99.020. DEFINITIONS. — The following terms, wherever used or referred to in sections 99.010 to 99.230, shall have the following respective meanings unless a different meaning clearly appears from the context:

(1) "Area of operation", in the case of a housing authority of a city, shall include such city; in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined;

(2) "Authority" or "housing authority" shall mean any of the municipal corporations created by section 99.040;

(3) "Blighted" [shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors are detrimental to safety, health and morals], **the same meaning as defined pursuant to section 99.805;**

(4) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter;

(5) "City" shall mean any city, town or village in the state;

(6) "The city" shall mean the particular city for which a particular housing authority is created;

(7) "Clerk" shall mean the clerk of the city or the clerk of the county commission, as the case may be, or the officer charged with the duties customarily imposed on such clerk;

(8) "County" shall mean any county in the state;

(9) "The county" shall mean the particular county for which a particular housing authority is created;

(10) "Federal government" shall include the United States of America, the United States Department of Housing and Urban Development or any other agency or instrumentality, corporate or otherwise, of the United States of America;

(11) "Governing body" shall mean, in the case of a city, the city council, common council, board of aldermen or other legislative body of the city, and in the case of a county, the county commission or other legislative body of the county;

(12) "Housing project" shall mean any work or undertaking, whether in a blighted or other area:

(a) To demolish, clear or remove buildings. Such work or undertaking may include the adaptation of such area to public purposes, including parks or other recreation or community purposes; or

(b) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of very low and lower income. Such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, site preparation, gardening, administrative, community, health, welfare or other purposes. Such work or undertaking may also include housing, for persons of moderate income, offices, stores, solar energy access, parks, and recreational and educational facilities, provided that such activities be undertaken only in conjunction with the provision of housing for persons of very low and lower income, and provided further that any profit of the authority shall be distributed as provided in subsection 3 of section 99.080; or

(c) To accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property; the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith;

(d) In the planning and carrying out of any housing project owned and operated by a housing authority, a housing authority shall establish procedures for allocating any training and employment opportunities which may arise from such activity to qualified persons of very low and lower income who have been unemployed for one year or more and reside within the area of operation of the housing authority;

(13) "Mayor" shall mean the elected mayor of the city or the elected officer thereof charged with duties customarily imposed on the mayor or executive head of the city;

(14) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(15) "Persons of very low income" means those persons or families whose annual income does not exceed fifty percent of the median income for the area. "Persons of lower income" means those persons or families whose annual income is greater than fifty but does not exceed eighty percent of the median income for the area. "Persons of moderate income" means those persons or families whose annual income is greater than eighty but does not exceed one hundred and fifty percent of the median income for the area. For purposes of this subdivision, median income for the area shall be determined in accordance with section 1437a, Title 42, United States Code, including any amendments thereto. Any and all references to "persons of low income" in this chapter shall mean persons of very low, lower or moderate income as defined herein;

(16) "Profit" shall mean the difference between gross revenues and necessary and ordinary business expenses, including debt service, if any;

(17) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

99.320. DEFINITIONS. — As used in this law, the following terms mean:

(1) "Area of operation", in the case of a municipality, the area within the municipality except that the area of operation of a municipality under this law shall not include any area which lies within the territorial boundaries of another municipality unless a resolution has been adopted by the governing body of the other municipality declaring a need therefor; and in the case of a county, the area within the county, except that the area of operation in such case shall not include any area which lies within the territorial boundaries of a municipality unless a resolution has been adopted by the governing body of the municipality declaring a need therefor; and in the case of a regional authority, the area within the communities for which the regional authority is created, except that a regional authority shall not undertake a land clearance project within the territorial boundaries of any municipality unless a resolution has been adopted by the governing body of the municipality declaring that there is a need for the regional authority to undertake the land clearance project within such municipality; no authority shall operate in any area of operation in which another authority already established is undertaking or carrying out a land clearance project without the consent, by resolution, of the other authority;

(2) "Authority" or "land clearance for redevelopment authority", a public body corporate and politic created by or pursuant to section 99.330 or any other public body exercising the powers, rights and duties of such an authority;

(3) "Blighted area", [an area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(4) "Bond", any bonds, including refunding bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this law;

(5) "Clerk", the clerk or other official of the municipality or county who is the custodian of the official records of the municipality or county;

(6) "Community", any county or municipality except that such term shall not include any municipality containing less than seventy-five thousand inhabitants until the governing body thereof shall have submitted the proposition of accepting the provisions of this law to the qualified voters therein at an election called and held as provided by law for the incurring of indebtedness by such municipality, and a majority of the voters voting at the election shall have voted in favor of such proposition;

(7) "Federal government", the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America;

(8) "Governing body", the city council, common council, board of aldermen or other legislative body charged with governing the municipality or the county commission or other legislative body charged with governing the county;

(9) "Insanitary area", an area in which there is a predominance of buildings and improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air sanitation or open spaces, high density of population and overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease,

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infant mortality, juvenile delinquency and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare;

(10) "Land clearance project", any work or undertaking:

(a) To acquire blighted, or insanitary areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development or redevelopment of the blighted or insanitary areas or to the prevention of the spread or recurrence of substandard or insanitary conditions or conditions of blight;

(b) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan;

(c) To sell, lease or otherwise make available land in such areas for residential, recreational, commercial, industrial or other use or for public use or to retain such land for public use, in accordance with a redevelopment plan;

(d) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses, buildings, structures and other facilities;

(e) The term "land clearance project" may also include the preparation of a redevelopment plan, the planning, survey and other work incident to a land clearance project and the preparation of all plans and arrangements for carrying out a land clearance project and wherever the words "land clearance project" are used in this law, they shall also mean and include the words "urban renewal project" as defined in this section;

(11) "Mayor", the elected mayor of the city or the elected officer having the duties customarily imposed upon the mayor of the city or the executive head of a county;

(12) "Municipality", any incorporated city, town or village in the state;

(13) "Obligee", any bondholders, agents or trustees for any bondholders, lessor demising to the authority property used in connection with land clearance project, or any assignee or assignees of the lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(14) "Person", any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other similar representative thereof;

(15) "Public body", the state or any municipality, county, township, board, commission, authority, district, or any other subdivision of the state;

(16) "Real property", all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens;

(17) "Redeveloper", any person, partnership, or public or private corporation or agency which enters or proposes to enter into a redevelopment or rehabilitation or renewal contract;

(18) "Redevelopment contract", a contract entered into between an authority and redeveloper for the redevelopment, rehabilitation or renewal of an area in conformity with a redevelopment plan or an urban renewal plan;

(19) "Redevelopment", the process of undertaking and carrying out a redevelopment plan or urban renewal plan;

(20) "Redevelopment plan", a plan other than a preliminary or tentative plan for the acquisition, clearance, reconstruction, rehabilitation, renewal or future use of a land clearance project area, and shall be sufficiently complete to comply with subdivision (4) of section 99.430 and shall be in compliance with a "workable program" for the city as a whole and wherever used in sections 99.300 to 99.660 the words "redevelopment plan" shall also mean and include "urban renewal plan" as defined in this section;

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(21) "Urban renewal plan", a plan as it exists from time to time, for an urban renewal project, which plan shall conform to the general plan for the municipality as a whole; and shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the relationship of the plan to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; an urban renewal plan shall be prepared and approved pursuant to the same procedure as provided with respect to a redevelopment plan;

(22) "Urban renewal project", any surveys, plans, undertakings and activities for the elimination and for the prevention of the spread or development of insanitary, blighted, deteriorated or deteriorating areas and may involve any work or undertaking for such purpose constituting a land clearance project or any rehabilitation or conservation work, or any combination of such undertaking or work in accordance with an urban renewal project; for this purpose, "rehabilitation or conservation work" may include:

(a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(b) Acquisition of real property and demolition, removal or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate uneconomic, obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(c) To develop, construct, reconstruct, rehabilitate, repair or improve residences, houses, buildings, structures and other facilities;

(d) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and

(e) The disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of the project; but such disposition shall be in the manner prescribed in this law for the disposition of property in a land clearance project area;

(23) "Workable program", an official plan of action, as it exists from time to time, for effectively dealing with the problem in insanitary, blighted, deteriorated or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life, for utilizing appropriate private and public resources to eliminate and prevent the development or spread of insanitary, blighted, deteriorated or deteriorating areas, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, insanitary, deteriorated and deteriorating areas, or to undertake such of the aforesaid activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program.

99.805. DEFINITIONS. — As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Blighted area", an area which, by reason of the predominance of [defective or inadequate street layout,] insanitary or unsafe conditions, deterioration of site improvements, [improper subdivision or obsolete platting,] or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, [morals,] or welfare in its present condition and use;

(2) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, [morals,] or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997. **For all redevelopment plans and projects approved on or after January 1, 2022, in retail areas, a conservation area shall meet the dilapidation factor as one of the three factors required under this subdivision;**

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state;
or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) "Greenfield area", any vacant, unimproved, or agricultural property that is located wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded by contiguous properties with agricultural zoning classifications or uses unless said property was annexed into the incorporated limits of a city, town, or village ten years prior to the adoption of the ordinance approving the redevelopment plan for such greenfield area;

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(8) "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, municipality applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

(9) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(10) "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

(11) "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

(12) "Port infrastructure project", docks and associated equipment, cargo and passenger terminals, storage warehouses, or any other similar infrastructure directly related to port facilities located in a port district created pursuant to the provisions of chapter 68 and located within one-half of one mile of a navigable waterway;

[(12)] **(13) "Redevelopment area"**, an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project;

[(13)] **(14) "Redevelopment plan"**, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(14)] **(15) "Redevelopment project"**, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(15)] **(16) "Redevelopment project costs"** include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to:

a. Acquisition of land and other property, real or personal, or rights or interests therein;

b. Demolition of buildings; and

c. The clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

- (f) Costs of construction of public works or improvements;
- (g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;
- (h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;
- (i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;
- (j) Payments in lieu of taxes;
- (17) "Retail area", a proposed redevelopment building area for which more than fifty percent of the usable building square footage in the area is projected to be used by retail businesses, which shall be businesses that primarily sell or offer to sell goods to a buyer primarily for the buyer's personal, family, or household use and not primarily for business, commercial, or agricultural use;**
- (18) "Retail infrastructure projects", highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, or any other similar public improvements, but in no case shall retail infrastructure projects include private structures;**
- [(16)] **(19)** "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;
- [(17)] **(20)** "Taxing districts", any political subdivision of this state having the power to levy taxes;
- [(18)] **(21)** "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and
- [(19)] **(22)** "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.810. REDEVELOPMENT PLAN, CONTENTS, ADOPTION OF PLAN, REQUIRED FINDINGS — TIF RESTRICTION — REPORTS BY DEPARTMENT OF ECONOMIC DEVELOPMENT, REQUIRED WHEN, CONTENTS. — 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

- (1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, **a study prepared by a land use planner, urban planner, licensed architect, licensed commercial real estate appraiser, or**

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licensed attorney, which includes a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. Tax increment allocation financing shall not be adopted under sections 99.800 to 99.865 in a retail area unless such financing is exclusively utilized to fund retail infrastructure projects or unless such area is a blighted area or conservation area. The provisions of this subsection shall not apply to any tax increment allocation financing project or plan approved before August 28, 2021, nor to any amendment to tax increment allocation financing projects and plans where such projects or plans were originally approved before August 28, 2021, provided that such an amendment does not add buildings of new construction in excess of twenty-five percent of the scope of the original redevelopment agreement.

3. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

99.820. MUNICIPALITIES' POWERS AND DUTIES — PUBLIC DISCLOSURE REQUIREMENTS — OFFICIALS' CONFLICT OF INTEREST, PROHIBITED — COMMISSION APPOINTMENT AND POWERS — TRANSPARENCY OF RECORDS. — 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefitted by the proposed redevelopment project improvements;

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(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 or 3 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the

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municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of

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a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments. Members appointed by the county executive or presiding commissioner prior to August 28, 2008, shall continue their service on the commission established in subsection 3 of this section without further appointment unless the county executive or presiding commissioner appoints a new member or members.

3. Beginning August 28, 2008:

(1) In lieu of a commission created under subsection 2 of this section, any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, [or] in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants, **or in a county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants** shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows:

(a) Six members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;

(b) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and

(d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree.

No city, town, or village subject to this subsection shall create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, 2008, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those six members appointed by either the county executive or presiding commissioner, shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The six members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall also be solely responsible for notifying all other cities, towns, and

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villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city, town, or village shall be solely responsible for notifying the other school districts within the county of the formation of the commission. If the county, school board, or other taxing district fails to appoint members to the commission within thirty days after the city, town, or village sends the written notice, as provided herein, that it has convened such a commission or within thirty days of the expiration of any such member's term, the remaining duly appointed members of the commission may exercise the full powers of the commission.

4. (1) Any commission created under this section, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

(2) Any commission created under subsection 2 of this section shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

(3) Any commission created under subsection 3 of this section shall, within fifteen days of the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as determined by counsel to the city, town, or village creating the commission and a request by the applicable city, town, or village for a public hearing, fix a time and place for the public hearing referred to in section 99.825. The public hearing shall be held no later than seventy-five days from the commission's receipt of such redevelopment plan and request for public hearing. The commission shall vote and make recommendations to the governing body of the city, town, or village requesting the public hearing on all proposed redevelopment plans, redevelopment projects, and designations of redevelopment areas, and amendments thereto within thirty days following the completion of the public hearing. A recommendation of approval shall only be deemed to occur if a majority of the commissioners voting on such plan, project, designation, or amendment thereto vote for approval. A tied vote shall be considered a recommendation in opposition. If the commission fails to vote within thirty days following the completion of the public hearing referred to in section 99.825 concerning the proposed redevelopment plan, redevelopment project, or designation of redevelopment area, or amendments thereto, such plan, project, designation, or amendment thereto shall be deemed rejected by the commission.

5. It shall be the policy of the state that each redevelopment plan or project of a municipality be carried out with full transparency to the public. The records of the tax increment financing commission including, but not limited to, commission votes and actions, meeting minutes, summaries of witness testimony, data, and reports submitted to the commission shall be retained by the governing body of the municipality that created the commission and shall be made available to the public in accordance with chapter 610.

99.821. REDEVELOPMENT PLANS, TIF REVENUE DEPOSITED IN INFRASTRUCTURE FOR ECONOMIC GROWTH FUND — USE OF MONEYS (ST. LOUIS CITY). — Notwithstanding any provision of sections 99.800 to 99.865 to the contrary, redevelopment plans approved or amended after December 31, 2021, by a city not within a county may provide for the deposit of up to ten percent of the tax increment financing revenues generated pursuant to section 99.845 into a strategic infrastructure for economic growth fund established by such city in lieu of deposit into

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the special allocation fund. Moneys deposited into the strategic infrastructure for economic growth fund pursuant to this section may be expended by the city establishing such fund for the purpose of funding capital investments in public infrastructure that the governing body of such city has determined to be in a census tract that is defined as a low-income community pursuant to 26 U.S.C. Section 45D(e) or is eligible to be designated as a qualified opportunity zone pursuant to 26 U.S.C. Section 1400Z-1.

99.843. GREENFIELD AREAS, NO NEW PROJECTS TO BE DESIGNATED, WHEN. — Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, no new tax increment financing project shall be authorized in any greenfield area, as such term is defined in section 99.805[, that is located within a city not within a county or any county subject to the authority of the East-West Gateway Council of Governments. Municipalities not subject to the authority of the East-West Gateway Council of Governments may authorize tax increment finance projects in greenfield areas].

99.847. NO NEW TIF PROJECTS AUTHORIZED FOR FLOOD PLAIN AREAS, APPLICABILITY OF RESTRICTION. (CLAY, COLE, JACKSON, PLATTE, AND ST. CHARLES COUNTIES; CITIES OF HANNIBAL, JEFFERSON CITY, SPRINGFIELD, AND ST. JOSEPH) — 1. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, **for all years ending on or before December 31, 2021**, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants, unless the redevelopment area actually abuts a river or a major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications. **Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, for all years beginning on or after January 1, 2022, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency unless such project is located in:**

- (1) A county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;
- (2) A county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants;
- (3) A county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;
- (4) A county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants as the county seat;
- (5) A home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants;
- (6) A home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants;
- (7) A home rule city with more than seventeen thousand but fewer than nineteen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than twenty-six thousand but fewer than twenty-nine thousand inhabitants;
- (8) A home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants;

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(9) A port district created under the provisions of chapter 68, provided that such financing is exclusively utilized to fund a port infrastructure project that is approved by the port authority; or

(10) A levee district created pursuant to chapter 245 or a drainage district created pursuant to chapter 242 or chapter 243 prior to August 28, 2021.

2. This [subsection] section shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow [the aforementioned] such tax increment financing projects to modify, amend, or expand such projects, including redevelopment project costs, by not more than forty percent of such project original projected cost, including redevelopment project costs, as such projects, including redevelopment project costs [as such projects redevelopment projects including redevelopment project costs], existed as of June 30, 2003, and shall allow [the aforementioned] such tax increment financing district to modify, amend, or expand such districts by not more than five percent as such districts existed as of June 30, 2003.

3. The provisions of subsections 1 and 2 of this section notwithstanding, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, unless the redevelopment area actually abuts a river or a major waterway and is substantially surrounded by contiguous properties with residential, industrial, or commercial zoning classifications.

99.848. EMERGENCY SERVICES PROPERTY TAX OR ECONOMIC ACTIVITIES TAX, REIMBURSEMENT FROM SPECIAL ALLOCATION FUND AUTHORIZED, WHEN — RATE SET BY BOARD OR GOVERNING BODY. — 1. (1) Notwithstanding subsection 1 of section 99.845, any [district or county] ambulance district board operating under chapter 190, any fire protection district board operating under chapter 321, or any governing body operating a 911 center providing dispatch services under chapter 190 or chapter 321 imposing a property tax for the purposes of providing emergency services pursuant to chapter 190 or chapter 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent but not more than one hundred percent of the district's or 911 center's tax increment. This [section] subsection shall not apply to tax increment financing projects or [districts] redevelopment areas approved prior to August 28, 2004.

[2.] (2) Beginning August 28, 2018, an ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 imposing a property tax for the purpose of providing emergency services pursuant to chapter 190 or chapter 321 shall annually set the reimbursement rate under this subsection [1 of this section] prior to [the time the assessment is paid into the special allocation fund] November thirtieth preceding the calendar year for which the annual reimbursement is being set. If the redevelopment plan, area, or project is amended by ordinance or by other means after August 28, 2018, the ambulance or fire protection district board or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate under this [section] subdivision.

2. (1) Notwithstanding subsection 1 of section 99.845, any ambulance district board operating under chapter 190, any fire protection district operating under chapter 321, or any governing body operating a 911 center imposing an economic activities tax for the purposes of providing emergency services pursuant to chapter 190 or chapter 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent but not more than one hundred percent of the district's or 911 center's tax increment. This subsection

shall not apply to tax increment financing projects or redevelopment areas approved prior to August 28, 2021.

(2) Beginning August 28, 2021, any ambulance district board operating under chapter 190, any fire protection district operating under chapter 321, or any governing body operating a 911 center providing dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate under this subsection prior to November thirtieth preceding the calendar year for which the annual reimbursement is being set. If the redevelopment plan, area, or project is amended by ordinance or by other means after August 28, 2021, the ambulance or fire protection district board or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate under this subdivision.

99.918. DEFINITIONS. — As used in sections 99.915 to 99.980, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Authority", the downtown economic stimulus authority for a municipality, created pursuant to section 99.921;

(2) "Baseline year", the calendar year prior to the adoption of an ordinance by the municipality approving a development project; provided, however, if economic activity taxes or state sales tax revenues, from businesses other than any out-of-state business or businesses locating in the development project area, decrease in the development project area in the year following the year in which the ordinance approving a development project is approved by a municipality, the baseline year may, at the option of the municipality approving the development project, be the year following the year of the adoption of the ordinance approving the development project. When a development project area is located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions that occurred after May 1, 2003, but prior to May 10, 2003, and the development project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency, the baseline year may, at the option of the municipality approving the development project, be the calendar year in which the natural disaster occurred or the year following the year in which the natural disaster occurred, provided that the municipality adopts an ordinance approving the development project within one year after the occurrence of the natural disaster;

(3) "Blighted area", [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(4) "Central business district", the area at or near the historic core that is locally known as the "downtown" of a municipality that has a median household income of sixty-two thousand dollars or less, according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will have been built in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment plan. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and multifamily residential uses;

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(5) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes, economic activity taxes other than economic activity taxes which are local sales taxes, and other local taxes other than local sales taxes, and, for local sales taxes and state taxes, the director of revenue;

(6) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

(7) "Development area", an area designated by a municipality in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, which area shall have the following characteristics:

(a) It includes only those parcels of real property directly and substantially benefitted by the proposed development plan;

(b) It can be renovated through one or more development projects;

(c) It is located in the central business district;

(d) It has generally suffered from declining population or property taxes for the twenty-year period immediately preceding the area's designation as a development area or has structures in the area fifty percent or more of which have an age of thirty-five years or more;

(e) It is contiguous, provided, however that a development area may include up to three noncontiguous areas selected for development projects, provided that each noncontiguous area meets the requirements of paragraphs (a) to (g) herein;

(f) The development area shall not exceed ten percent of the entire area of the municipality; and

(g) The development area shall not include any property that is located within the one hundred year flood plain, as designated by the Federal Emergency Management Agency flood delineation maps, unless such property is protected by a structure that is inspected and certified by the United States Army Corps of Engineers. This subdivision shall not apply to property within the one hundred year flood plain if the buildings on the property have been or will be flood proofed in accordance with the Federal Emergency Management Agency's standards for flood proofing and the property is located in a home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants. Only those buildings certified as being flood proofed in accordance with the Federal Emergency Management Agency's standards for flood proofing by the authority shall be eligible for the state sales tax increment and the state income tax increment. Subject to the limitation set forth in this subdivision, the development area can be enlarged or modified as provided in section 99.951;

(8) "Development plan", the comprehensive program of a municipality to reduce or eliminate those conditions which qualified a development area as a blighted area or a conservation area, and to thereby enhance the tax bases of the taxing districts which extend into the development area through the reimbursement, payment, or other financing of development project costs in accordance with sections 99.915 to 99.980 and through the exercise of the powers set forth in sections 99.915 to 99.980. The development plan shall conform to the requirements of section 99.942;

(9) "Development project", any development project within a development area which constitutes a major initiative in furtherance of the objectives of the development plan, and any such development project shall include a legal description of the area selected for such development project;

(10) "Development project area", the area located within a development area selected for a development project;

(11) "Development project costs" include such costs to the development plan or a development project, as applicable, which are expended on public property, buildings, or rights-of-ways for public purposes to provide infrastructure to support a development project. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a development plan or development project, except in circumstances of plan amendments approved by the Missouri development finance board and the department of economic development. Such infrastructure costs include, but are not limited to, the following:

(a) Costs of studies, appraisals, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public buildings and fixtures;

(e) Costs of construction of public works or improvements;

(f) Financing costs, including, but not limited to, all necessary expenses related to the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or more development projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;

(g) All or a portion of a taxing district's capital costs resulting from any development project necessarily incurred or to be incurred in furtherance of the objectives of the development plan, to the extent the municipality by written agreement accepts and approves such infrastructure costs;

(h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted by approval of a development project;

(i) State government costs, including, but not limited to, the reasonable costs incurred by the department of economic development, the department of revenue and the office of administration in evaluating an application for and administering state supplemental downtown development financing for a development project; and

(j) Endowment of positions at an institution of higher education which has a designation as a Carnegie Research I University including any campus of such university system, subject to the provisions of section 99.958. In addition, economic activity taxes and payment in lieu of taxes may be expended on or used to reimburse any reasonable or necessary costs incurred or estimated to be incurred in furtherance of a development plan or a development project;

(12) "Economic activity taxes", the total additional revenue from taxes which are imposed by the municipality and other taxing districts, and which are generated by economic activities within each development project area, which are not related to the relocation of any out-of-state business into the development project area, which exceed the amount of such taxes generated by economic activities within such development project area in the baseline year plus, in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of this section, the total revenue from taxes which are imposed by the municipality and other taxing districts which is generated by economic activities within the development project area resulting from the relocation of an out-of-state business or out-of-state businesses to the development project area pursuant to section 99.919; but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments. If a retail establishment relocates within one year from one facility

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to another facility within the same county and the municipality or authority finds that the retail establishment is a direct beneficiary of development financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from taxes which are imposed by the municipality and other taxing districts which are generated by the economic activities within the development project area which exceed the amount of taxes which are imposed by the municipality and other taxing districts which are generated by economic activities within the development project area generated by the retail establishment in the baseline year;

(13) "Gambling establishment", an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850;

(14) "Major initiative", a development project within a central business district that:

(a) Promotes tourism, cultural activities, arts, entertainment, education, research, arenas, multipurpose facilities, libraries, ports, mass transit, museums, or conventions, the estimated cost of which is in excess of the amount set forth below for the municipality, as applicable; or

(b) Promotes business location or expansion, the estimated cost of which is in excess of the amount set forth below for the municipality, and is estimated to create at least as many new jobs as set forth below within three years of such location or expansion:

Population of Municipality	Estimated Project Cost	New Jobs Created
300,000 or more	\$10,000,000	at least 100
100,000 to 299,999	\$5,000,000	at least 50
50,001 to 99,999	\$1,000,000	at least 10
50,000 or less	\$500,000	at least 5;

(15) "Municipality", any city, village, incorporated town, or any county of this state established on or prior to January 1, 2001, or a census-designated place in any county designated by the county for purposes of sections 99.915 to 99.1060;

(16) "New job", any job defined as a new job pursuant to subdivision (11) of section 100.710;

(17) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations pursuant to sections 99.915 to 99.980 to carry out a development project or to refund outstanding obligations;

(18) "Ordinance", an ordinance enacted by the governing body of any municipality or an order of the governing body of such a municipal entity whose governing body is not authorized to enact ordinances;

(19) "Other net new revenues", the amount of state sales tax increment or state income tax increment or the combination of the amount of each such increment as determined under section 99.960;

(20) "Out-of-state business", a business entity or operation that has been located outside of the state of Missouri prior to the time it relocates to a development project area;

(21) "Payment in lieu of taxes", those revenues from real property in each development project area, which taxing districts would have received had the municipality not adopted a development plan and the municipality not adopted development financing, and which would result from levies made after the time of the adoption of development financing during the time the current equalized value of real property in such development project area exceeds the total equalized value of real property in such

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development project area during the baseline year until development financing for such development project area expires or is terminated pursuant to sections 99.915 to 99.980;

(22) "Special allocation fund", the fund of the municipality or its authority required to be established pursuant to section 99.957 which special allocation fund shall contain at least four separate segregated accounts into which payments in lieu of taxes are deposited in one account, economic activity taxes are deposited in a second account, other net new revenues are deposited in a third account, and other revenues, if any, received by the authority or the municipality for the purpose of implementing a development plan or a development project are deposited in a fourth account;

(23) "State income tax increment", up to fifty percent of the estimate of the income tax due the state for salaries or wages paid to new employees in new jobs at a business located in the development project area and created by the development project. The estimate shall be a percentage of the gross payroll which percentage shall be based upon an analysis by the department of revenue of the practical tax rate on gross payroll as a factor in overall taxable income;

(24) "State sales tax increment", up to one-half of the incremental increase in the state sales tax revenue in the development project area. In no event shall the incremental increase include any amounts attributable to retail sales unless the Missouri development finance board and the department of economic development are satisfied based on information provided by the municipality or authority, and such entities have made a finding that a substantial portion of all but a de minimus portion of the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase for an existing facility shall be the amount by which the state sales tax revenue generated at the facility exceeds the state sales tax revenue generated at the facility in the baseline year. The incremental increase in development project areas where the baseline year is the year following the year in which the development project is approved by the municipality pursuant to subdivision (2) of this section shall be the state sales tax revenue generated by out-of-state businesses relocating into a development project area. The incremental increase for a Missouri facility which relocates to a development project area shall be the amount by which the state sales tax revenue of the facility exceeds the state sales tax revenue for the facility in the calendar year prior to relocation;

(25) "State sales tax revenues", the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;

(26) "Taxing district's capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a development project; and

(27) "Taxing districts", any political subdivision of this state having the power to levy taxes.

99.1082. DEFINITIONS. — As used in sections 99.1080 to 99.1092, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Baseline year", the calendar year prior to the adoption of an ordinance by the municipality approving a redevelopment project; provided, however, if local sales tax revenues or state sales tax revenues, from businesses other than any out-of-state business or businesses locating in the redevelopment project area, decrease in the redevelopment project area in the year following the year in which the ordinance approving a redevelopment project is approved by a municipality, the baseline year may, at the option of the municipality approving the redevelopment project, be the year following the year of the adoption of the ordinance approving the redevelopment project. When a redevelopment project area is located within a county for which public and individual assistance has been requested by the governor under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor under section 44.100 due to

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a natural disaster of major proportions and the redevelopment project area is a central business district that sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency, the baseline year may, at the option of the municipality approving the redevelopment project, be the calendar year in which the natural disaster occurred or the year following the year in which the natural disaster occurred, provided that the municipality adopts an ordinance approving the redevelopment project within one year after the occurrence of the natural disaster;

(2) "Blighted area", [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(3) "Central business district", the area at or near the historic core that is locally known as the "downtown" of a municipality that has a median household income of sixty-two thousand dollars or less, according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In addition, at least fifty percent of existing buildings in this area will have been built in excess of thirty-five years prior or vacant lots that had prior structures built in excess of thirty-five years prior to the adoption of the ordinance approving the redevelopment plan. The historical land use emphasis of a central business district prior to redevelopment will have been a mixed use of business, commercial, financial, transportation, government, and multifamily residential uses;

(4) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more, and such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning;

(5) "Gambling establishment", an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850;

(6) "Local sales tax increment", at least fifty percent of the local sales tax revenue from taxes that are imposed by a municipality and its county, and that are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such a redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area while financing under sections 99.1080 to 99.1092 remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, or special assessments; provided however, the governing body of any county may, by resolution, exclude any portion of any countywide sales tax of such county. For redevelopment projects or redevelopment plans approved after August 28, 2005, if a retail establishment relocates within one year from one facility within the same county and the governing body of the municipality finds that the retail establishment is a direct beneficiary of tax increment financing, then for the purposes of this subdivision, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes that are imposed by a municipality

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or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(7) "Local sales tax revenue", city sales tax revenues received under sections 94.500 to 94.550 and county sales tax revenues received under sections 67.500 to 67.594;

(8) "Major initiative", a development project within a central business district which promotes tourism, cultural activities, arts, entertainment, education, research, arenas, multipurpose facilities, libraries, ports, mass transit, museums, economic development, or conventions for the municipality, and where the capital investment within the redevelopment project area is:

(a) At least five million dollars for a project area within a city having a population of one hundred thousand to one hundred ninety-nine thousand nine hundred and ninety-nine inhabitants;

(b) At least one million dollars for a project area within a city having a population of fifty thousand to ninety-nine thousand nine hundred and ninety-nine inhabitants;

(c) At least five hundred thousand dollars for a project area within a city having a population of ten thousand to forty-nine thousand nine hundred and ninety-nine inhabitants; or

(d) At least two hundred fifty thousand dollars for a project area within a city having a population of one to nine thousand nine hundred and ninety-nine inhabitants;

(9) "Municipality", any city or county of this state having fewer than two hundred thousand inhabitants;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality or authority, or other public entity authorized to issue such obligations under sections 99.1080 to 99.1092 to carry out a redevelopment project or to refund outstanding obligations;

(11) "Ordinance", an ordinance enacted by the governing body of any municipality;

(12) "Redevelopment area", an area designated by a municipality in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area or a conservation area, which area shall have the following characteristics:

(a) It can be renovated through one or more redevelopment projects;

(b) It is located in the central business district;

(c) The redevelopment area shall not exceed ten percent of the entire geographic area of the municipality. Subject to the limitation set forth in this subdivision, the redevelopment area can be enlarged or modified as provided in section 99.1088;

(13) "Redevelopment plan", the comprehensive program of a municipality to reduce or eliminate those conditions which qualify a redevelopment area as a blighted area or a conservation area, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area through the reimbursement, payment, or other financing of redevelopment project costs in accordance with sections 99.1080 to 99.1092 and through application for and administration of downtown revitalization preservation program financing under sections 99.1080 to 99.1092;

(14) "Redevelopment project", any redevelopment project within a redevelopment area which constitutes a major initiative in furtherance of the objectives of the redevelopment plan, and any such redevelopment project shall include a legal description of the area selected for such redevelopment project;

(15) "Redevelopment project area", the area located within a redevelopment area selected for a redevelopment project;

(16) "Redevelopment project costs" include such costs to the redevelopment plan or a redevelopment project, as applicable, which are expended on public property, buildings, or rights-of-way for public purposes to provide infrastructure to support a redevelopment project, including facades. Such costs shall only be allowed as an initial expense which, to be recoverable, must be included in the costs of a redevelopment plan or redevelopment project, except in circumstances of plan amendments

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approved by the department of economic development. Such infrastructure costs include, but are not limited to, the following:

- (a) Costs of studies, appraisals, surveys, plans, and specifications;
 - (b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning, or special services;
 - (c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;
 - (d) Costs of rehabilitation, reconstruction, repair, or remodeling of existing public buildings and fixtures;
 - (e) Costs of construction of public works or improvements;
 - (f) Financing costs, including, but not limited to, all necessary expenses related to the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or more redevelopment projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;
 - (g) All or a portion of a taxing district's capital costs resulting from any redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan, to the extent the municipality by written agreement accepts and approves such infrastructure costs;
 - (h) Payments to taxing districts on a pro rata basis to partially reimburse taxes diverted by approval of a redevelopment project when all debt is retired;
 - (i) State government costs, including, but not limited to, the reasonable costs incurred by the department of economic development and the department of revenue in evaluating an application for and administering downtown revitalization preservation financing for a redevelopment project;
- (17) "State sales tax increment", up to one-half of the incremental increase in the state sales tax revenue in the redevelopment project area provided the local taxing jurisdictions commit one-half of their local sales tax to paying for redevelopment project costs. The incremental increase shall be the amount by which the state sales tax revenue generated at the facility or within the redevelopment project area exceeds the state sales tax revenue generated at the facility or within the redevelopment project area in the baseline year. For redevelopment projects or redevelopment plans approved after August 28, 2005, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the retail establishment is a direct beneficiary of tax increment financing, then for the purposes of this subdivision, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes that are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to the relocation to the redevelopment area;
- (18) "State sales tax revenues", the general revenue portion of state sales tax revenues received under section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law;
- (19) "Taxing district's capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from a redevelopment project;
- (20) "Taxing districts", any political subdivision of this state having the power to levy taxes.

100.310. DEFINITIONS. — As used in this law, the following words and terms mean:

- (1) "Authority", a public body corporate and politic created by or pursuant to sections of this law or any other public body exercising the powers, rights and duties of such an authority;

(2) "Blighted area", [an area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use] **the same meaning as defined pursuant to section 99.805;**

(3) "Bond", any bonds, including refunding bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this law;

(4) "City", all cities of this state now having or which hereafter have four hundred thousand inhabitants or more according to the last decennial census of the United States or any city that has adopted a home rule charter pursuant to Section 19 of Article VI of the Missouri Constitution;

(5) "Clerk", the official custodian of records of the city;

(6) "Federal government", the United States of America or any agency or instrumentality corporate or otherwise of the United States of America;

(7) "Governing body", the city council, common council, board of aldermen or other legislative body charged with governing the municipality;

(8) "Industrial developer", any person, partnership or public or private corporation or agency which enters or proposes to enter into an industrial development contract;

(9) "Industrial development", the acquisition, clearance, grading, improving, preparing of land for industrial and commercial development and use and the construction, reconstruction, purchase, repair of industrial and commercial improvements, buildings, plants, additions, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers, machines, fixtures, structures and other facilities relating to industrial and commercial use in blighted, insanitary or undeveloped industrial areas; and the existing merchants, residents, and present businesses shall have the first option to redevelop the area under this act;

(10) "Industrial development contract", a contract entered into between an authority and an industrial developer for the industrial development of an area in conformity with a plan;

(11) "Insanitary area", an area in which there is a predominance of buildings and improvements which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals or welfare;

(12) "Obligee", any bondholders, agents or trustees for any bondholders, lessor demising to the authority property used in connection with industrial clearance project, or any assignee or assignees of the lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(13) "Person", any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee or other similar representative thereof;

(14) "Plan", a plan as it exists from time to time for the orderly carrying on of a project of industrial development;

(15) "Project", any work or undertaking;

(a) To acquire blighted, insanitary and undeveloped industrial areas or portions thereof including lands, structures or improvements the acquisition of which is necessary or incidental to the proper industrial development of the blighted, insanitary and undeveloped industrial areas or to prevent the spread or recurrence of conditions of blight, insanitary or undevelopment;

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(b) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct or reconstruct streets, utilities and site improvements essential to the preparation of sites for uses in accordance with a plan;

(c) To construct, reconstruct, remodel, repair, improve, install improvements, buildings, plants, additions, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers, machines, fixtures, structures and other facilities related to industrial and commercial uses;

(d) To sell, lease or otherwise make available land in such areas for industrial and commercial or related use or to retain such land for public use, in accordance with a plan;

(16) "Public body", the state or any municipality, county, township, board, commission, authority, district or any other subdivision of the state;

(17) "Real property", all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens;

(18) "Undeveloped industrial area", any area which, by reason of defective and inadequate street layout or location of physical improvements, obsolescence and inadequate subdivision and platting contains vacant parcels of land not used economically; contains old, decaying, obsolete buildings, plants, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, warehouses, distribution centers, structures; contains buildings, plants, stores, shops, shopping centers, office buildings, hotels and motels and parking garages, multi-family housing facilities, warehouses, distribution centers and structures whose operation is not economically feasible; contains intermittent commercial and industrial structures in a primarily industrial or commercial area; or contains insufficient space for the expansion and efficient use of land for industrial plants and commercial uses amounting to conditions which retard economic or social growth, are economic waste and social liabilities and represent an inability to pay reasonable taxes to the detriment and injury of the public health, safety, morals and welfare.

135.950. DEFINITIONS. — The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) "Average wage", the new payroll divided by the number of new jobs;

(2) "Blighted area", [an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. The term "blighted area" shall also include any area which produces or generates or has the potential to produce or generate electrical energy from a renewable energy resource, and which, by reason of obsolescence, decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard conditions, the predominance or defective or inadequate street layout, unsanitary or unsafe conditions, improper subdivision or obsolete platting, or the existence of conditions which endanger the life or property by fire or other means, or any combination of such factors, is underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or lock and dam site within such area for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource] **the same meaning as defined pursuant to section 99.805;**

(3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

(4) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

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(5) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(6) "Department", the department of economic development;

(7) "Director", the director of the department of economic development;

(8) "Employee", a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

(9) "Enhanced business enterprise", an industry or one of a cluster of industries that is either:

(a) Identified by the department as critical to the state's economic security and growth; or

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

(10) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(11) "Facility", any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(12) "Facility base employment", the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

(13) "Facility base payroll", the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

(14) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

(15) "Megaproject", any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

(16) "NAICS", the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(17) "New business facility", a facility that does not produce or generate electrical energy from a renewable energy resource and satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision (27) of this section;

(18) "New business facility employee", an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

(19) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of

the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(20) "New job", the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(21) "Notice of intent", a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise's intent to hire new jobs and request benefits under such program;

(22) "Related facility", a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

(23) "Related facility base employment", the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

(24) "Related taxpayer":

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. "Control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) "Renewable energy generation zone", an area which has been found, by a resolution or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted area and which contains land, improvements, or a lock and dam site which is unutilized or underutilized for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource;

(26) "Renewable energy resource", shall include:

(a) Wind;

(b) Solar thermal sources or photovoltaic cells and panels;

(c) Dedicated crops grown for energy production;

(d) Cellulosic agricultural residues;

(e) Plant residues;

(f) Methane from landfills, agricultural operations, or wastewater treatment;

(g) Thermal depolymerization or pyrolysis for converting waste material to energy;

(h) Clean and untreated wood such as pallets;

(i) Hydroelectric power, which shall include electrical energy produced or generated by hydroelectric power generating equipment, as such term is defined in section 137.010;

(j) Fuel cells using hydrogen produced by one or more of the renewable resources provided in paragraphs (a) to (i) of this subdivision; or

(k) Any other sources of energy, not including nuclear energy, that are certified as renewable by rule by the department of economic development;

(27) "Replacement business facility", a facility otherwise described in subdivision (17) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this section, in the new facility during the tax period for which the credits allowed in section 135.967 are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

(28) "Same or substantially similar enhanced business enterprise", an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

137.115. REAL AND PERSONAL PROPERTY, ASSESSMENT — CLASSES OF PROPERTY, ASSESSMENT — PHYSICAL INSPECTION REQUIRED, WHEN, PROCEDURE — OPT-OUT PROVISION — MINE PROPERTY ASSESSMENT. — 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable

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in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than [fifty] **two hundred** hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (a) For real property in subclass (1), nineteen percent;
- (b) For real property in subclass (2), twelve percent; and
- (c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is **deemed to be** real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is **deemed to be** real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

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

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used.

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Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444.

143.011. RESIDENT INDIVIDUALS — TAX RATES. — 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. No more than **[five] seven** reductions shall be made under this subsection. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half percent, and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.

(5) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, there shall be no reduction under this subsection in the 2024 calendar year. However, such reductions shall continue after the 2024 calendar year for subsequent calendar years.

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3. (1) In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

4. **(1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the 2024 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by one-tenth of one percent.**

(2) The modification of tax rates under this subsection shall apply only to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

5. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

[5.] 6. As used in this section, the following terms mean:

(1) "CPI", the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) "CPI for the preceding calendar year", the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) "Net general revenue collected", all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(4) "Percent increase in inflation", the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 or **116-260**, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171. **The amount added under this subdivision shall also not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic, and deducted from Missouri adjusted gross income under section 143.171;**

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added

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pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan; and
- (i) Livestock Gross Margin Insurance Plan; and

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

143.171. FEDERAL INCOME TAX DEDUCTION, AMOUNT, CORPORATE AND INDIVIDUAL TAXPAYERS. — 1. For all tax years beginning on or after January 1, 1994, and ending on or before December 31, 2018, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

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2. (1) Notwithstanding any other provision of law to the contrary, for all tax years beginning on or after January 1, 2019, an individual taxpayer shall be allowed a deduction equal to a percentage of his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34. The deduction percentage is determined according to the following table:

If the Missouri gross income on the return is:	The deduction percentage is:
\$25,000 or less	35 percent
From \$25,001 to \$50,000	25 percent
From \$50,001 to \$100,000	15 percent
From \$100,001 to \$125,000	5 percent
\$125,001 or more	0 percent

(2) Notwithstanding any provision of law to the contrary, the amount of any tax credits reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 or **116-260**, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, **and the amount of any tax credits reducing a taxpayer's federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic** shall not be considered in determining a taxpayer's federal tax liability for the purposes of subdivision (1) of this subsection.

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

143.177. MISSOURI WORKING FAMILY TAX CREDIT ACT — DEFINITIONS — TAX CREDIT FOR PERCENTAGE OF FEDERAL EARNED INCOME TAX CREDIT — DEPARTMENT DUTIES — ANNUAL REPORT — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Missouri Working Family Tax Credit Act".

2. For purposes of this section, the following terms shall mean:

(1) "Department", the department of revenue;

(2) "Eligible taxpayer", a resident individual with a filing status of single, head of household, widowed, or married filing combined who is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, and who is allowed a federal earned income tax credit under 26 U.S.C. Section 32, as amended;

(3) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

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

3. (1) Beginning with the 2023 calendar year, an eligible taxpayer shall be allowed a tax credit in an amount equal to a percentage of the amount such taxpayer would receive under the federal earned income tax credit as such credit existed under 26 U.S.C. Section 32 as of January 1, 2021, as provided pursuant to subdivision (2) of this subsection. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. If the amount of the credit exceeds the tax liability, the difference shall not be refunded to the taxpayer and shall not be carried forward to any subsequent tax year.

(2) Subject to the provisions of subdivision (3) of this subsection, the percentage of the federal earned income tax credit to be allowed as a tax credit pursuant to subdivision (1) of this subsection shall be ten percent, which may be increased to twenty percent subject to the provisions of subdivision (3) of this subsection. The maximum percentage that may be claimed as a tax credit pursuant to this section shall be twenty percent of the federal earned income tax credit that may be claimed by such taxpayer. Any increase in the percentage that may be claimed as a tax credit shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

(3) The initial percentage to be claimed as a tax credit and any increase in the percentage that may be claimed pursuant to subdivision (2) of this subsection shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

4. Notwithstanding the provisions of section 32.057 to the contrary, the department shall determine whether any taxpayer filing a report or return with the department who did not apply for the credit authorized under this section may qualify for the credit and, if so, determines a taxpayer may qualify for the credit, shall notify such taxpayer of his or her potential eligibility. In making a determination of eligibility under this section, the department shall use any appropriate and available data including, but not limited to, data available from the Internal Revenue Service, the U.S. Department of Treasury, and state income tax returns from previous tax years.

5. The department shall prepare an annual report containing statistical information regarding the tax credits issued under this section for the previous tax year, including the total amount of revenue expended, the number of credits claimed, and the average value of the credits issued to taxpayers whose earned income falls within various income ranges determined by the department.

6. The director of the department may promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

7. Tax credits authorized under this section shall not be subject to the requirements of sections 135.800 to 135.830.

144.011. SALE AT RETAIL NOT TO INCLUDE CERTAIN TRANSFERS. — 1. For purposes of [sections 144.010 to 144.525 and 144.600 to 144.748] **this chapter**, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed to include any of the following:

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

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by [sections 144.010 to 144.525] **this chapter** was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by [sections 144.010 to 144.525] **this chapter** was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes;

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or

(c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax.

144.014. FOOD, RETAIL SALES OF, RATE OF TAX, REVENUE DEPOSITED IN SCHOOL DISTRICT TRUST FUND — DEFINITION OF FOOD. — 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed [pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746] **under this chapter** on all retail sales of food shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section, except for vending machine sales, the term "food" shall not include food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.

144.020. RATE OF TAX — TICKETS, NOTICE OF SALES TAX. — 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, except amounts paid for any instructional class;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) (a) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(b) If local and long distance telecommunications services subject to tax under this subdivision are aggregated with and not separately stated from charges for telecommunications service or other services not subject to tax under this subdivision, including, but not limited to, interstate or international telecommunications services, then the charges for nontaxable services may be subject to taxation unless the telecommunications provider can identify by reasonable and verifiable standards such portion of the charges not subject to such tax from its books and records that are kept in the regular course of business, including, but not limited to, financial statement, general ledgers, invoice and billing systems and reports, and reports for regulatory tariffs and other regulatory matters;

(c) A telecommunications provider shall notify the director of revenue of its intention to utilize the standards described in paragraph (b) of this subdivision to determine the charges that are subject to sales tax under this subdivision. Such notification shall be in writing and shall meet standardized criteria established by the department regarding the form and format of such notice;

(d) The director of revenue may promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this subdivision. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public. The tax imposed under this subdivision shall not apply to any automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is reported as employee tip income and the restaurant withholds income tax under section 143.191 on such gratuity;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of sale at retail or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no

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event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of [sections 144.010 to 144.525] **this chapter** which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.049. SALES TAX HOLIDAY FOR CLOTHING, PERSONAL COMPUTERS, AND SCHOOL SUPPLIES, WHEN. — 1. For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel intended to be worn on or about the human body including, but not limited to, disposable diapers for infants or adults and footwear. The term shall include, but not be limited to, cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less and any graphing calculator having a taxable value of one hundred fifty dollars or less.

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state **and local** sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, all graphing calculators having a taxable value of one hundred fifty dollars or less, and all retail sales of personal computers or computer peripheral devices not to exceed one thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following. **If a purchaser and seller are located in two different time zones, the time zone of the purchaser's location shall determine the authorized exemption period.**

3. [If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax.

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However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4.] This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] **4.** This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7.] **5.** This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer [shall] **may** offer a sales tax refund in lieu of the sales tax holiday.

6. A sale of property that is eligible for an exemption under subsection 1 of this section but is purchased under a layaway sale shall only qualify for an exemption if:

(1) Final payment on a layaway order is made by, and the property is given to, the purchaser during the exemption period; or

(2) The purchaser selects the property and the seller accepts the order for the property during the exemption period, for immediate delivery upon full payment, even if delivery is made after the exemption period.

7. The exemption of a bundled transaction shall be calculated as provided by law for all other bundled transactions.

8. (1) For any discount offered by a seller that is a reduction of the sales price of the product, the discounted sales price shall determine whether the sales price falls below the price threshold provided in subsection 1 of this section. A coupon that reduces the sales price shall be treated as a discount only if the seller is not reimbursed for the coupon amount by a third party.

(2) If a discount applies to the total amount paid by a purchaser rather than to the sales price of a particular product and the purchaser has purchased both exempt property and taxable property, the seller shall allocate the discount based on the total sales prices of the taxable property compared to the total sales prices of all property sold in the same transaction.

9. Items that are normally sold as a single unit shall continue to be sold in that manner and shall not be priced separately and sold as individual items.

10. Items that are purchased during an exemption period but that are not delivered to the purchaser until after the exemption period due to the item not being in stock shall qualify for an exemption. The provisions of this subsection shall not apply to an item that was delivered during an exemption period but was purchased prior to or after the exemption period.

11. (1) If a purchaser purchases an item of eligible property during an exemption period but later exchanges the item for a similar eligible item after the exemption period, no additional tax shall be due on the new item.

(2) If a purchaser purchases an item of eligible property during an exemption period but later returns the item after the exemption period and receives credit on the purchase of a different nonexempt item, the appropriate sales tax shall be due on the sale of the newly purchased item.

(3) If a purchaser purchases an item of eligible property before an exemption period but during the exemption period returns the item and receives credit on the purchase of a different item of eligible property, no sales tax shall be due on the sale of the new item if the new item is purchased during the exemption period.

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(4) For a sixty-day period immediately following the end of the exemption period, if a purchaser returns an exempt item, no credit for or refund of sales tax shall be given unless the purchaser provides a receipt or invoice that shows tax was paid or the seller has sufficient documentation to show that tax was paid on the item being returned.

144.054. ADDITIONAL SALES TAX EXEMPTIONS FOR VARIOUS INDUSTRIES AND POLITICAL SUBDIVISIONS. — 1. As used in this section, the following terms mean:

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Producing" includes, but is not limited to, the production of, including the production and transmission of, telecommunication services;

(3) "Product" includes, but is not limited to, telecommunications services;

(4) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761] **this chapter and the local sales tax law as defined in section 32.085 and from the computation of the tax levied, assessed, or payable under this chapter and the local sales tax law as defined in section 32.085**, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. [The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.] The construction and application of this subsection as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235,] **this chapter** and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235,] **this chapter** and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235,] **this chapter** and the local sales tax law as defined in section 32.085, and from the

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computation of the tax levied, assessed, or payable under [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235.] **this chapter** and the local sales tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.

5. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235.] **this chapter** and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under [sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235.] **this chapter** and the local sales tax law as defined in section 32.085, all materials, manufactured goods, machinery and parts, electrical energy and gas, whether natural, artificial or propane, water, coal and other energy sources, chemicals, soaps, detergents, cleaning and sanitizing agents, and other ingredients and materials inserted by commercial or industrial laundries to treat, clean, and sanitize textiles in facilities which process at least five hundred pounds of textiles per hour and at least sixty thousand pounds per week.

144.080. SELLER RESPONSIBLE FOR TAX — RULES — RETURNS — ADVERTISING ABSORPTION OF TAX, STATED ON INVOICE OR RECEIPT — VIOLATION, PENALTY. —

1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall[, on or before the last day of the month following each calendar quarterly period of three months.] file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding [quarter] **filing period**, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020[, except] as provided in subsections 2 [and 3] **to 4** of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of [two] **five hundred [fifty] dollars [for either the first or second month of a calendar quarter] per calendar month during the previous calendar year**, the seller shall file a return and pay such aggregate amount [for such months to the director of revenue by] **on a monthly basis. The return shall be filed and the taxes paid on or before** the twentieth day of the succeeding month.

3. **Where the aggregate amount levied and imposed upon a seller by section 144.020 is five hundred dollars or less per calendar month, but is at least two hundred dollars in a calendar quarter during the previous calendar year, the seller shall file a return and pay such aggregate amount on a quarterly basis. The return shall be filed and the taxes paid on or before the last day of the month following each calendar quarterly period.**

4. Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than [forty-five] **two hundred dollars [in a] per calendar quarter during the previous calendar year**, the [director of revenue shall by regulation permit the] seller [to] **shall file a return [for a calendar year] and pay such aggregate amount on an annual basis.** The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

[4.] 5. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax

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imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

[5.] 6. Any person may advertise or hold out or state to the public or to any customer directly that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, provided that the amount of tax assumed or absorbed shall be stated on any invoice or receipt for the property sold or service rendered. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. This subsection shall not apply to any retailer prohibited from collecting and remitting sales tax under section 66.630.

144.140. SELLER MAY RETAIN TWO PERCENT OF TAX. — 1. From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

2. The director shall provide a monetary allowance from the taxes collected to a certified service provider under the terms of the certified service contract signed with the provider, provided that such allowance shall be funded entirely from moneys collected by the certified service provider.

3. Any certified service provider receiving an allowance under subsection 2 of this section shall not be entitled to simultaneously deduct the allowance provided for under subsection 1 of this section.

4. For the purposes of this section, "certified service provider" shall mean an agent certified by the department of revenue to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

5. The provisions of this section relating to the allowance for timely remittance of sales tax payment shall also be applicable to the timely remittance of use tax payment under sections 144.600 to 144.746.

144.526. SHOW ME GREEN SALES TAX HOLIDAY — SALES TAX EXEMPTION FOR ENERGY STAR CERTIFIED NEW APPLIANCES — POLITICAL SUBDIVISION MAY ALLOW EXEMPTION — RETAILER EXCEPTION. — 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

2. For purposes of this section, the following terms mean:

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3. In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law **and all local sales and use taxes** all retail sales of any energy star certified new appliance, up to one thousand five hundred dollars per appliance[,], during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth. **Where a purchaser and seller are located in two different time zones, the time zone of the purchaser's location shall determine the authorized exemption period.**

4. [A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the

sales tax holiday.] A sale of property that is eligible for an exemption under subsection 3 of this section but is purchased under a layaway sale shall only qualify for an exemption if:

(1) Final payment on a layaway order is made by, and the property is given to, the purchaser during the exemption period; or

(2) The purchaser selects the property and the seller accepts the order for the property during the exemption period, for immediate delivery upon full payment, even if delivery is made after the exemption period.

5. (1) For any discount offered by a seller that is a reduction of the sales price of the product, the discounted sales price shall determine whether the sales price falls below the price threshold provided in subsection 3 of this section. A coupon that reduces the sales price shall be treated as a discount only if the seller is not reimbursed for the coupon amount by a third party.

(2) If a discount applies to the total amount paid by a purchaser rather than to the sales price of a particular product and the purchaser has purchased both exempt property and taxable property, the seller shall allocate the discount based on the total sales prices of the taxable property compared to the total sales prices of all property sold in the same transaction.

6. Items that are normally sold as a single unit shall continue to be sold in that manner and shall not be priced separately and sold as individual items.

7. Items that are purchased during an exemption period but that are not delivered to the purchaser until after the exemption period due to the item not being in stock shall qualify for an exemption. The provisions of this subsection shall not apply to an item that was delivered during an exemption period but was purchased prior to or after the exemption period.

8. (1) If a purchaser purchases an item of eligible property during an exemption period but later exchanges the item for a similar eligible item after the exemption period, no additional tax shall be due on the new item.

(2) If a purchaser purchases an item of eligible property during an exemption period but later returns the item after the exemption period and receives credit on the purchase of a different nonexempt item, the appropriate sales tax shall be due on the sale of the newly purchased item.

(3) If a purchaser purchases an item of eligible property before an exemption period but during the exemption period returns the item and receives credit on the purchase of a different item of eligible property, no sales tax shall be due on the sale of the new item if the new item is purchased during the exemption period.

(4) For a sixty-day period immediately following the end of the exemption period, if a purchaser returns an exempt item, no credit for or refund of sales tax shall be given unless the purchaser provides a receipt or invoice that shows tax was paid or the seller has sufficient documentation to show that tax was paid on the item being returned.

144.605. DEFINITIONS. — The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) "Engages in business activities within this state" includes:

(a) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525;

(b) Soliciting sales or taking orders by sales agents or traveling representatives;

(c) A vendor is presumed to engage in business activities within this state if any person, other than a common carrier acting in its capacity as such, that has substantial nexus with this state:

a. Sells a similar line of products as the vendor and does so under the same or a similar business name;

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b. Maintains an office, distribution facility, warehouse, or storage place, or similar place of business in the state to facilitate the delivery of property or services sold by the vendor to the vendor's customers;

c. Delivers, installs, assembles, or performs maintenance services for the vendor's customers within the state;

d. Facilitates the vendor's delivery of property to customers in the state by allowing the vendor's customers to pick up property sold by the vendor at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in the state; or

e. Conducts any other activities in the state that are significantly associated with the vendor's ability to establish and maintain a market in the state for the sales;

(d) The presumption in paragraph (c) **of this subdivision** may be rebutted by demonstrating that the person's activities in the state are not significantly associated with the vendor's ability to establish or maintain a market in this state for the vendor's sales;

(e) [Notwithstanding paragraph (c), a vendor shall be presumed to engage in business activities within this state if the vendor enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an internet website, an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative gross receipts from sales by the vendor to customers in the state who are referred to the vendor by all residents with this type of an agreement with the vendor is in excess of ten thousand dollars during the preceding twelve months;

(f) The presumption in paragraph (e) may be rebutted by submitting proof that the residents with whom the vendor has an agreement did not engage in any activity within the state that was significantly associated with the vendor's ability to establish or maintain the vendor's market in the state during the preceding twelve months. Such proof may consist of sworn written statements from all of the residents with whom the vendor has an agreement stating that they did not engage in any solicitation in the state on behalf of the vendor during the preceding year provided that such statements were provided and obtained in good faith;] **Selling tangible personal property for delivery into this state, provided the seller's gross receipts from taxable sales from delivery of tangible personal property into this state in the previous calendar year or current calendar year exceeds one hundred thousand dollars. For the purposes of calculating a seller's gross receipts under this paragraph, following the close of each calendar quarter, a vendor shall determine whether the vendor met the requirements under this paragraph during the twelve-month period ending on the last day of the preceding calendar quarter. If the vendor met such requirements for any such twelve-month period, such vendor shall collect and remit the tax as provided under section 144.635 for a period of not less than twelve months, beginning not more than three months following the close of the preceding calendar quarter, and shall continue to collect and remit the tax for as long as the vendor is engaged in business activities within this state, as provided for under this paragraph, or otherwise maintains a substantial nexus with this state;**

(3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business in this state, whether owned or operated by the vendor or by any other person other than a common carrier acting in its capacity as such;

(4) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

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(6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable pursuant to sections 144.600 to 144.745. The sales price shall not include usual and customary delivery charges that are separately stated. In determining the amount of tax due pursuant to sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with the director of revenue of the state of Missouri for the collection of the taxes imposed pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor, except property for sale or property that is temporarily kept or retained in this state for subsequent use outside the state;

(11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of **subsection 1** of section 144.020;

(12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include the temporary storage of property in this state for subsequent use outside the state, or the sale of the property in the regular course of business;

(14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be

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regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745.

144.608. SECURING PAYMENT AND ACCOUNTING FOR TAX COLLECTION, DEPARTMENT DUTIES — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. For the purpose of more efficiently securing the payment of and accounting for the tax collected and remitted by retailers and vendors, the department is hereby authorized:

(1) To consult, contract, and work jointly with the streamlined sales and use tax agreement's governing board to allow sellers to use the governing board's certified service providers and central registration system services; or

(2) To consult, contract, and work with certified service providers independently. The department is authorized to determine the method and amount of compensation to be provided to certified service providers by this state for the services of such certified service providers to certain sellers, provided that no certified service provider or seller utilizing a certified service provider shall be entitled to the deduction provided in subsection 1 of section 144.140.

2. The department is also hereby authorized to independently take such actions as may be reasonably necessary to secure the payment of and account for the tax collected and remitted by retailers and vendors. The department shall independently carry out any or all activities relating to the collection of online use tax if the department, in its own judgment, determines that independently carrying out such activities would promote cost-saving to the state.

3. The director of revenue shall make, promulgate, and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this chapter relating to the collection and remittance of sales and use tax by certified service providers. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2023, shall be invalid and void.

4. The provisions of this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly.

144.637. BOUNDARY CHANGE DATABASE FOR TAXING JURISDICTIONS, REQUIREMENTS— IMMUNITY FROM LIABILITY, WHEN. — 1. The director of revenue shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for the use of vendors collecting the tax imposed under sections 144.600 to 144.746.

2. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director shall provide and maintain address-based boundary database records for assigning taxing jurisdictions and associated rates. The database records shall be in the same approved format as the database described under subsection 1 of this section and shall meet the requirements developed under the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If a vendor is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the vendor may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a vendor is unable to determine the nine-digit zip code designation

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applicable to a purchase after exercising due diligence to determine the designation, the vendor may apply the rate for the five-digit zip code area. The lowest combined tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. For the purposes of this section, there shall be a rebuttable presumption that a vendor has exercised due diligence if the vendor has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director and makes the assignment from the address and zip code information applicable to the purchase. If the director certifies an address-based database provided by a third party, a vendor may use such database in place of the database records provided for in this subsection.

4. The electronic databases provided for in subsections 1 and 3 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a third party as designated by the director. The databases shall be provided at no cost to the user of the database.

5. The provisions of subsection 3 of this section shall not apply if the purchased product is received by the purchaser at the business location of the vendor.

6. No vendor shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

144.638. TAXABILITY MATRIX, PRODUCTS AND SERVICES — PURCHASER NOT SUBJECT TO PENALTY FOR FAILURE TO REMIT PROPER AMOUNT OF TAX, WHEN. — 1. (1) The director shall provide and maintain a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

(2) The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

(3) A seller or CSP shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided or approved by the director in the taxability matrix, and a seller shall be relieved from liability for erroneous returns made by a CSP on behalf of the seller.

2. A purchaser shall be relieved from any additional tax, interest, additions, or penalties for failure to collect and remit the proper amount of tax owed on a purchase subject to sales tax under this chapter if:

(1) The purchaser's seller or a certified service provider relied on erroneous data provided by the director on tax rates, boundaries, taxing jurisdiction assignments, or in the taxability matrix created under subsection 1 of this section;

(2) A purchaser using a database created under subsection 1 of this section received erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments; or

(3) A purchaser relied on erroneous data provided by the director in the taxability matrix created under subsection 1 of this section.

144.752. MARKETPLACE FACILITATORS, REGISTRATION REQUIRED — SEPARATE REPORTING AND REMITTANCE OF TAX, PROCEDURE — RULEMAKING LANGUAGE. — 1. For the purposes of this section, the following terms shall mean:

(1) "Marketplace facilitator", a person that:

(a) Facilitates a retail sale by a marketplace seller by listing or advertising for sale by the marketplace seller, in any forum, tangible personal property or services that are subject to tax under this chapter; and

(b) Either directly or indirectly through agreements or arrangements with third parties collects payment from the purchaser and transmits all or part of the payment to the marketplace seller.

A marketplace facilitator is a seller and shall comply with the provisions of this chapter. A marketplace facilitator does not include a person who provides internet advertising services, or product listing, and does not collect payment from the purchaser and transmit payment to the marketplace seller; does not include a person with respect to the provision of travel agency services or the operation of a marketplace or that portion of a marketplace that enables consumers to receive travel agency services; and does not include a third party financial institution appointed by a merchant or a marketplace facilitator to handle various forms of payment transactions, such as processing credit cards and debit cards, and whose sole activity with respect to marketplace sales is to facilitate the payment transactions between two parties. For the purposes of this subdivision, "travel agency services" means facilitating, for a commission, fee, or other consideration, vacation or travel packages; rental car or other travel reservations; tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation; or hotel or other lodging accommodations;

(2) "Marketplace seller", a seller that makes sales through any electronic marketplace operated by a marketplace facilitator;

(3) "Person", any individual; firm; copartnership; joint venture; association; corporation, municipal or private, whether organized for profit or not; state; county; political subdivision; state department, commission, board, bureau, or agency, except the department of transportation; estate; trust; business trust; receiver or trustee appointed by the state or a federal court; syndicate; or any other group or combination acting as a unit;

(4) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage, or consumption in this state;

(5) "Retail sale", the same meaning as defined under sections 144.010 and 144.011, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state and subject to tax under subdivision (9) of subsection 1 of section 144.020;

(6) "Seller", a person selling or furnishing tangible personal property or rendering services on the receipts from which a tax is imposed under section 144.020.

2. (1) Beginning January 1, 2023, marketplace facilitators that engage in business activities within this state shall register with the department to collect and remit use tax, as applicable, on sales made through the marketplace facilitator's marketplace by or on behalf of a marketplace seller that are delivered into the state, whether by the marketplace facilitator or another person, and regardless of whether the marketplace seller for whom sales are facilitated possesses a retail sales license or would have been required to collect use tax had the sale not been facilitated by the marketplace facilitator. Such retail sales shall include those made directly by the marketplace facilitator and shall also include those retail sales made by marketplace sellers through the marketplace facilitator's marketplace. The collection and reporting requirements of this subsection shall not apply to retail sales other than those made through a marketplace facilitator's marketplace. Nothing in this section shall be construed to limit or prohibit the ability of a marketplace facilitator and a marketplace seller to enter into agreements regarding the fulfillment of the requirements of this chapter.

(2) All taxable sales made through a marketplace facilitator's marketplace by or on behalf of a marketplace seller shall be deemed to be consummated at the location in this state to which the item is shipped or delivered, or at which possession is taken by the purchaser.

3. Marketplace facilitators that are required to collect use tax under this section shall report and remit the tax separately from any sales and use tax collected by the marketplace facilitator, or by affiliates of the marketplace facilitator, that the marketplace facilitator would have been required to collect and remit under the provisions of this chapter prior to January 1, 2023. Such tax shall be reported and remitted as determined by the department. Marketplace facilitators shall maintain records of all sales delivered to a location in the state, including electronic or paper copies of invoices showing the purchaser, address, purchase amount, and use tax collected. Such records shall be made available for review and inspection upon request by the department.

4. Marketplace facilitators who properly collect and remit to the department in a timely manner use tax on sales in accordance with the provisions of this section by or on behalf of marketplace sellers shall be eligible for any discount provided under this chapter.

5. A marketplace facilitator shall separately state on an invoice provided to a purchaser the use tax collected and remitted on behalf of a marketplace seller.

6. Any taxpayer who remits use tax under this section shall be entitled to refunds or credits to the same extent and in the same manner provided for in section 144.190 for taxes collected and remitted under this section. Nothing in this section shall relieve a purchaser of the obligation to remit use tax for any retail sale taxable under this chapter for which a marketplace facilitator or marketplace seller does not collect and remit the use tax.

7. Except as provided under subsection 8 of this section, marketplace facilitators shall be subject to the penalty provisions, procedures, and reporting requirements provided under the provisions of this chapter.

8. No class action shall be brought against a marketplace facilitator in any court in this state on behalf of purchasers arising from or in any way related to an overpayment of use tax collected on retail sales facilitated by a marketplace facilitator, regardless of whether that claim is characterized as a tax refund claim. Nothing in this subsection shall affect a purchaser's right to seek a refund as provided under section 144.190.

9. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2023, shall be invalid and void.

144.757. LOCAL USE TAX — RATE OF TAX — BALLOT OF SUBMISSION — NOTICE TO DIRECTOR OF REVENUE — REPEAL OR REDUCTION OF LOCAL SALES TAX, EFFECT ON LOCAL USE TAX. — 1. Any county or municipality[, except municipalities within a county having a charter form of government with a population in excess of nine hundred thousand,] may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085 or **if a sales tax is imposed under section 94.850 or 94.890, with such local use tax imposed** at a rate equal to the rate of the local sales tax [in effect in] **and any sales tax imposed under section 94.850 or 94.890 by** such county or municipality; provided, however, that no ordinance or order enacted pursuant to sections 144.757 to 144.761 shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election a proposal to authorize the governing body of the county or municipality to impose a local use tax pursuant to sections 144.757 to 144.761. [Municipalities within a county having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received

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pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890 for distribution of all municipal use taxes.

2.] (1) The ballot of submission[, except for counties and municipalities described in subdivisions (2) and (3) of this subsection,] shall contain substantially the following language:

Shall the _____ (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, [currently _____ (insert percent),] provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? [A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.]

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) [(a) The ballot of submission in a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

For the purposes of enhancing county and municipal public safety, parks, and job creation and enhancing local government services, shall the county be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed, reduced or raised by the same voter action? Fifty percent of the revenue shall be used by the county throughout the county for improving and enhancing public safety, park improvements, and job creation, and fifty percent shall be used for enhancing local government services. The county shall be required to make available to the public an audited comprehensive financial report detailing the management and use of the countywide portion of the funds each year.

A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(b) The ballot of submission in a municipality within a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the _____ (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of _____ (insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax and such proposal is approved by a majority of the qualified voters voting thereon.

[3.] **2.** The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

[4.] **3.** For purposes of sections 144.757 to 144.761, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected. **The use tax shall not be described as a new tax or as not a new tax and shall not be advertised or promoted in a manner in violation of section 115.646.**

144.759. COLLECTION OF ADDITIONAL LOCAL USE TAX — DEPOSIT IN LOCAL USE TAX TRUST FUND, NOT PART OF STATE REVENUE — DISTRIBUTION TO COUNTIES AND MUNICIPALITIES — REFUNDS — NOTIFICATION TO DIRECTOR OF REVENUE ON ABOLISHMENT OF TAX. — 1. All local use taxes collected by the director of revenue pursuant to sections 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087 shall be deposited with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund

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shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by sections 144.757 to 144.761, the sum due the county or municipality as certified by the director of revenue.

2. **Subject to the provisions of subsection 1 of this section**, the director of revenue shall distribute all moneys which would be due any county having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute [such moneys as follows: the] **that** portion of the use [tax] **taxes** imposed by the county [which equals one-half the rate of sales tax in effect for such county shall be disbursed to the county treasurer for expenditure throughout the county for public safety, parks, and job creation, subject to any qualifications and regulations adopted by ordinance of the county. Such ordinance shall require an audited comprehensive financial report detailing the management and use of such funds each year. Such ordinance shall also require that the county and the municipal league of the county jointly prepare a strategy to guide expenditures of funds and conduct an annual review of the strategy. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620 as modified by this section, a portion of the two-thirds remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620 but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630 were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year] **that is equal to the rate of sales taxes imposed by the county under sections 66.600 and 67.547 to the cities, towns, and villages within such county and to the unincorporated area of the county on the ratio of the population that each such city, town, village, and the unincorporated areas of the county bears to the total population of the county; provided, however, the county treasurer or other officer shall distribute that portion of the use tax imposed by the county equal to the rate of sales tax imposed by the county under section 67.547 for the purpose of funding zoological activities and zoological facilities of the zoological park subdistrict of the metropolitan zoological park and museum district as created under section 184.350.**

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of

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revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in sections 144.757 to 144.761, all provisions of sections 32.085 and 32.087 applicable to the local sales tax, except for subsection 12 of section 32.087, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed pursuant to sections 144.757 to 144.761, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

262.900. DEFINITIONS — APPLICATION, REQUIREMENTS — BOARD ESTABLISHED, MEMBERS, DUTIES — PUBLIC HEARING — ORDINANCE — PROPERTY EXEMPT FROM TAXATION — SALES TAX REVENUES, DEPOSIT OF — FUND CREATED — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms mean:

(1) "Agricultural products", an agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or a poultry product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to it in this state;

(2) "Blighted area", [that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical deterioration have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes] **the same meaning as defined pursuant to section 99.805;**

(3) "Department", the department of agriculture;

(4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(5) "Grower UAZ", a type of UAZ:

(a) That can either grow produce, raise livestock, or produce other value-added agricultural products;

(b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty domesticated animals;

(6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca, buffalo, bison, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(7) "Locally grown", a product that was grown or raised in the same county or city not within a county in which the UAZ is located or in an adjoining county or city not within a county. For a product raised or sold in a city not within a county, locally grown also includes an adjoining county with a charter form of government with more than nine hundred fifty thousand inhabitants and those adjoining said county;

(8) "Meat", any edible portion of livestock or poultry carcass or part thereof;

(9) "Meat product", anything containing meat intended for or capable of use for human consumption, which is derived, in whole or in part, from livestock or poultry;

(10) "Mobile unit", the same as motor vehicle as defined in section 301.010;

(11) "Poultry", any domesticated bird intended for human consumption;

(12) "Processing UAZ", a type of UAZ:

(a) That processes livestock, poultry, or produce for human consumption;

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

- (b) That meets federal and state processing laws and standards;
 - (c) Is a qualifying small business approved by the department;
 - (13) "Qualifying small business", those enterprises which are established within an Urban Agricultural Zone subsequent to its creation, and which meet the definition established for the Small Business Administration and set forth in Section 121.201 of Part 121 of Title 13 of the Code of Federal Regulations;
 - (14) "Value-added agricultural products", any product or products that are the result of:
 - (a) Using an agricultural product grown in this state to produce a meat or dairy product in this state;
 - (b) A change in the physical state or form of the original agricultural product;
 - (c) An agricultural product grown in this state which has had its value enhanced by special production methods such as organically grown products; or
 - (d) A physical segregation of a commodity or agricultural product grown in this state that enhances its value such as identity preserved marketing systems;
 - (15) "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical area as defined by the United States Office of Budget and Management that has one or more of the following entities that is a qualifying small business and approved by the department, as follows:
 - (a) Any organization or person who grows produce or other agricultural products;
 - (b) Any organization or person that raises livestock or poultry;
 - (c) Any organization or person who processes livestock or poultry;
 - (d) Any organization that sells at a minimum seventy-five percent locally grown food;
 - (16) "Vending UAZ", a type of UAZ:
 - (a) That sells produce, meat, or value-added locally grown agricultural goods;
 - (b) That is able to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program as a form of payment; and
 - (c) Is a qualifying small business that is approved by the department for an UAZ vendor license.
2. (1) A person or organization shall submit to any incorporated municipality an application to develop an UAZ on a blighted area of land. Such application shall demonstrate or identify on the application:
- (a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or a combination of all three types of UAZs provided in this paragraph, in which case the person or organization shall meet the requirements of each type of UAZ in order to qualify;
 - (b) The number of jobs to be created;
 - (c) The types of products to be produced; and
 - (d) If applying for a vending UAZ, the ability to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program if selling products to consumers.
- (2) A municipality shall review and modify the application as necessary before either approving or denying the request to establish an UAZ.
- (3) Approval of the UAZ by such municipality shall be reviewed five and ten years after the development of the UAZ. After twenty-five years, the UAZ shall dissolve.

If the municipality finds during its review that the UAZ is not meeting the requirements set out in this section, the municipality may dissolve the UAZ.

3. The governing body of any municipality planning to seek designation of an urban agricultural zone shall establish an urban agricultural zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation of an urban agricultural zone. Two members of the board shall be appointed by other affected taxing districts. The remaining four members shall be chosen by the chief elected officer of the municipality. The four members chosen by the chief elected officer of the municipality shall all be residents of the county or city not within a county in which the UAZ is to be

located, and at least one of such four members shall have experience in or represent organizations associated with sustainable agriculture, urban farming, community gardening, or any of the activities or products authorized by this section for UAZs.

4. The school district member and the two affected taxing district members shall each have initial terms of five years. Of the four members appointed by the chief elected official, two shall have initial terms of four years, and two shall have initial terms of three years. Thereafter, members shall serve terms of five years. Each member shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

5. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

6. The members of the board annually shall elect a chair from among the members.

7. The role of the board shall be to conduct the activities necessary to advise the governing body on the designation of an urban agricultural zone and any other advisory duties as determined by the governing body. The role of the board after the designation of an urban agricultural zone shall be review and assessment of zone activities.

8. Prior to the adoption of an ordinance proposing the designation of an urban agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed urban agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing districts and political subdivisions in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the designation at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing. At the public hearing any interested person or affected taxing district may file with the board written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The board shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

9. Following the conclusion of the public hearing required under subsection 8 of this section, the governing authority of the municipality may adopt an ordinance designating an urban agricultural zone.

10. The real property of the UAZ shall not be subject to assessment or payment of ad valorem taxes on real property imposed by the cities affected by this section, or by the state or any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance under subsection 9 of this section, except to such extent and in such amount as may be imposed upon such real property during such period, as was determined by the assessor of the county in which such real property is located, or, if not located within a county, then by the assessor of such city, in an amount not greater than the amount of taxes due and payable thereon during the calendar year preceding the calendar year during which the urban agricultural zone was designated. The amounts of such tax assessments shall not be increased during such period so long as the real property is used in furtherance of the activities provided under the provisions of subdivision (15) of subsection 1 of this section. At the conclusion of the period of abatement provided by the ordinance, the property shall then be reassessed. If only a portion of real property is used as an UAZ, then only that portion of real property shall be exempt from assessment or payment of ad valorem taxes on such property, as provided by this section.

11. If the water services for the UAZ are provided by the municipality, the municipality may authorize a grower UAZ to pay wholesale water rates for the cost of water consumed on the UAZ. If available, the UAZ may pay fifty percent of the standard cost to hook onto the water source.

12. (1) Any local sales tax revenues received from the sale of agricultural products sold in the UAZ, or any local sales tax revenues received by a mobile unit associated with a vending UAZ selling agricultural products in the municipality in which the vending UAZ is located, shall be deposited in the urban agricultural zone fund established in subdivision (2) of this subsection. An amount equal to one percent shall be retained by the director of revenue for deposit in the general revenue fund to offset the costs of collection.

(2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund", which shall consist of money collected under subdivision (1) of this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, shall be used for the purposes authorized by this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Fifty percent of fund moneys shall be made available to school districts. The remaining fifty percent of fund moneys shall be allocated to municipalities that have urban agricultural zones based upon the municipality's percentage of local sales tax revenues deposited into the fund. The municipalities shall, upon appropriation, provide fund moneys to urban agricultural zones within the municipality for improvements. School districts may apply to the department for money in the fund to be used for the development of curriculum on or the implementation of urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district or districts in which the UAZ is located pursuant to rules to be promulgated by the department, with special consideration given to the relative number of students eligible for free and reduced-price lunches attending the schools within such district or districts.

13. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

14. The provisions of this section shall not apply to any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.

353.020. DEFINITIONS. — The following terms, whenever used or referred to in this chapter, mean:

(1) "Area", that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;

(2) "Blighted area", [that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes] **the same meaning as defined pursuant to section 99.805;**

(3) "City" or "such cities", any city within this state and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants or any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants. The county's authority pursuant to this chapter shall be restricted to the unincorporated areas of such county;

(4) "Development plan", a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) "Legislative authority", the city council or board of aldermen of the cities affected by this chapter;

(6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant or otherwise, rights-of-way and terms for years;

(8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) "Redevelopment project", a specific work or improvement to effectuate all or any part of a development plan;

(10) "Urban redevelopment corporation", a corporation organized pursuant to this chapter; except that any life insurance company organized pursuant to the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project pursuant to this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160.

620.2005. DEFINITIONS. — 1. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "Contractor", a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;

(4) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for

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their project shall be the county average wage for the county from which the employees are being relocated;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

(8) "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely performed job duties within Missouri;

(9) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(10) "Industrial development authority", an industrial development authority organized under chapter 349 that has entered into a formal written memorandum of understanding with an entity of the United States Department of Defense regarding a qualified military project;

(11) "Infrastructure projects", highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, broadband internet infrastructure, and any other similar public improvements, but in no case shall infrastructure projects include private structures;

(12) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(13) "Manufacturing capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

(14) "Memorandum of understanding", an agreement executed by an industrial development authority and an entity of the United States Department of Defense, a copy of which is provided to the department of economic development, that states, but is not limited to:

(a) A requirement for the military to provide the total number of existing jobs, jobs directly created by a qualified military project, and average salaries of such jobs to the industrial development authority and the department of economic development annually for the term of the benefit;

(b) A requirement for the military to provide an accounting of the expenditures of capital investment made by the military directly related to the qualified military project to the industrial development authority and the department of economic development annually for the term of the benefit;

(c) The process by which the industrial development authority shall monetize the tax credits annually and any transaction cost or administrative fee charged by the industrial development authority to the military on an annual basis;

(d) A requirement for the industrial development authority to provide proof to the department of economic development of the payment made to the qualified military project annually, including the amount of such payment;

(e) The schedule of the maximum amount of tax credits which may be authorized in each year for the project and the specified term of the benefit, as provided by the department of economic development; and

(f) A requirement that the annual benefit paid shall be the lesser of:

a. The maximum amount of tax credits authorized; or

b. The actual calculated benefit derived from the number of new jobs and average salaries;

(15) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(16) "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(17) "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(18) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(19) "New payroll", the amount of wages paid for all new jobs, located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

(20) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;

(21) "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program. The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants;

(22) "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

(23) "Program", the Missouri works program established in sections 620.2000 to 620.2020;

(24) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located or by a qualified manufacturing company at which a manufacturing capital investment is or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within

the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period. For qualified military projects, the term "project facility" means the military base or installation at which such qualified military project is or shall be located;

(25) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(26) "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(27) "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(28) "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(29) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision **and except for any such establishments located in a county of the third or fourth classification;**

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

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- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production;
- (k) Biodiesel production; or
- (l) Health care and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(30) "Qualified manufacturing company", a company that:

- (a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);
- (b) Manufactures goods at a facility in Missouri;
- (c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and
- (d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the project period;

(31) "Qualified military project", the expansion or improvement of a military base or installation within this state that causes:

- (a) An increase of ten or more part-time or full-time military or civilian support personnel:
 - a. Whose average salaries equal or exceed ninety percent of the county average wage; and
 - b. Who are offered health insurance, with an entity of the United States Department of Defense paying at least fifty percent of such insurance premiums; and
- (b) Investment in real or personal property at the base or installation expressly for the purposes of serving a new or expanded military activity or unit.

For the purposes of this subdivision, part-time military or civilian support personnel shall be converted to full-time new jobs by, in hire date order, counting one full-time new job for every thirty-five averaged hours worked per week by part-time military or civilian support personnel in jobs directly created by the qualified military project. For each such full-time new job, the sum of the wages of the part-time military or civilian support personnel combined and converted to form the new job shall be the wage for the one full-time new job. Each part-time military or civilian support personnel whose job is combined and converted for such a full-time new job shall be offered health insurance as described in subparagraph b of paragraph (a) of this subdivision;

(32) "Related company", shall mean:

- (a) A corporation, partnership, trust, or association controlled by the qualified company;
- (b) An individual, corporation, partnership, trust, or association in control of the qualified company;

or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:

- a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

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b. Ownership of at least fifty percent of the capital or profit interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(33) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(34) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(35) "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(36) "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(37) "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(38) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.

2. This section is subject to the provisions of section 196.1127.

SECTION 1. OUT-OF-STATE VENDOR PURCHASES SUBJECT TO EXPANSION OF USE TAX, NEWSPAPER NOTICE, REQUIREMENTS. — 1. No later than the first week of November 2021 any county or municipality of this state that has enacted a use tax shall provide notice in the newspaper with the greatest circulation in such county or municipality and on any county or municipality website, provided such website exists, that certain purchases from out-of-state vendors will become subject to an expansion of the use tax as provided by state law. The notice shall be printed in the newspaper at least once per week, for two consecutive weeks. The notice shall include the rates of the use tax in the county or municipality and shall include general information on repealing a local use tax under section 144.761.

2. Nothing under subsection 1 of this section shall be construed to require that duplicate notices be published or to prevent any counties or municipalities from coordinating and collaborating in their notice efforts in order to maximize cost savings to taxpayers.

[144.710. ALLOWANCE TO VENDOR FOR COLLECTING. — From every remittance made by a vendor as required by sections 144.600 to 144.745 to the director of revenue on or before the date when the remittance becomes due, the vendor may deduct and retain an amount equal to two percent thereof.]

[144.1000. CITATION OF ACT. — Sections 144.1000 to 144.1015 shall be known as and referred to as the "Simplified Sales and Use Tax Administration Act".]

[144.1003. DEFINITIONS. — As used in sections 144.1000 to 144.1015, the following terms shall mean:

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

- (1) "Agreement", the streamlined sales and use tax agreement;
- (2) "Certified automated system", software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;
- (3) "Certified service provider", an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions;
- (4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;
- (5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, or any other sales tax authorized by statute and levied by this state or its political subdivisions;
- (6) "Seller", any person making sales, leases or rentals of personal property or services;
- (7) "State", any state of the United States and the District of Columbia;
- (8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. MULTISTATE DISCUSSIONS PERMITTED, STATE REPRESENTATION, DUTIES. —

For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of representatives, two members appointed by the president pro tempore of the senate and one member appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. AGREEMENTS NOT TO INVALIDATE OR AMEND STATE LAW — ACTION OF GENERAL ASSEMBLY REQUIRED FOR IMPLEMENTATION OF CONDITIONS, PROCEDURE. — No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement, must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. ELEMENTS OF AGREEMENT, NUMBER OF DELEGATES NECESSARY TO ENTER INTO. — Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

- (1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;
- (2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;
- (3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within the taxing

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

jurisdiction, however, restriction of any such taxes allowed by statutes effective after August 28, 2002, may be supported;

(4) Provides for adoption of any uniform rate structure that would result in a tax increase for any Missouri taxpayer;

(5) Affects the sourcing of sales tax transactions; or

(6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any current sales or use tax exemption in the state of Missouri, including exemptions that are based on the value of the transaction or item.]

[144.1015. FEATURES OF AGREEMENT TO BE CONSIDERED. — In addition to the requirements of section 144.1012, the delegates should consider the following features when deciding whether or not to enter into any streamlined sales and use tax agreement:

(1) The agreement should address the limitation of the number of state rates over time;

(2) The agreement should establish uniform standards for administration of exempt sales and the form used for filing sales and use tax returns and remittances;

(3) The agreement should require the state to provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states;

(4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;

(5) The agreement should provide for reduction of the burdens of complying with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:

(a) Restricting variances between the state and local tax bases;

(b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;

(c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and

(d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;

(6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;

(7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;

(8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and

(9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]

SECTION B. EFFECTIVE DATE FOR CERTAIN SECTIONS. — The enactment of sections 143.177, 144.608, 144.637, 144.638, and 144.752 of this act; the repeal and reenactment of sections 143.011, 144.011, 144.014, 144.020, 144.049, 144.054, 144.140, 144.526, and 144.605 of this act; and the repeal of sections 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, and 144.1015 of this act shall become effective January 1, 2023.

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

SECTION C. EMERGENCY CLAUSE FOR CERTAIN SECTIONS. — Because immediate action is necessary to protect the interests of taxpayers during the COVID-19 pandemic, the repeal and reenactment of sections 143.121 and 143.171 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 143.121 and 143.171 of this act shall be in full force and effect upon its passage and approval.

SECTION D. EFFECTIVE DATE FOR A CERTAIN SECTION. — The repeal and reenactment of Section 67.2677 shall become effective August 28, 2023.

Approved July 1, 2021

HCS SS SB 176

Enacts provisions relating to emerging technologies, with penalty provisions and delayed effective date.

AN ACT to repeal sections 300.010, 301.010, 301.558, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof nineteen new sections relating to emerging technologies, with penalty provisions and delayed effective date.

SECTION

- A Enacting clause.
- 196.276 Food delivery platform — definitions — certification or registration — limitations — agreements, requirements — violation, penalties.
- 300.010 Definitions.
- 301.010 Definitions.
- 301.558 Dealer may fill in blanks on standardized forms, when — fee authorized, fund created — preliminary worksheet on computation of sale price, requirements.
- 302.010 Definitions.
- 303.020 Definitions.
- 304.001 Definitions for chapter 304 and chapter 307.
- 304.900 Personal delivery devices, authority to operate — definitions — requirements — insurance — lighting equipment required, when — personally identifiable likeness, sale of prohibited.
- 307.025 Exemptions.
- 307.180 Bicycle and motorized bicycle, defined.
- 307.188 Rights and duties of bicycle, electric bicycle, and motorized bicycle riders.
- 307.193 Penalty for violation.
- 307.194 Electric bicycles — rights and privileges — label, requirements — modifications require new label — product safety standards — authorized to ride, where, exceptions — class 3 electric bicycles, special provisions.
- 365.020 Definitions.
- 407.005 Digital electronic equipment definition.
- 407.560 Definitions.
- 407.815 Definitions.
- 407.1025 Definitions.

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

- 578.120 Sale of motor vehicles on Sunday prohibited, exceptions — encouragement by certain associations to remain closed on Sundays not a violation of antitrust laws — violations, penalty.
- B Effective date for a certain section.

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

SECTION A. ENACTING CLAUSE. — Sections 300.010, 301.010, 301.558, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 196.276, 300.010, 301.010, 301.558, 302.010, 303.020, 304.001, 304.900, 307.025, 307.180, 307.188, 307.193, 307.194, 365.020, 407.005, 407.560, 407.815, 407.1025, and 578.120, to read as follows:

196.276. FOOD DELIVERY PLATFORM — DEFINITIONS — CERTIFICATION OR REGISTRATION — LIMITATIONS — AGREEMENTS, REQUIREMENTS — VIOLATION, PENALTIES. — 1. As used in this section, the following terms mean:

(1) "Consent", a mutual acknowledgment by both a restaurant and a food delivery platform, which may be obtained electronically;

(2) "Food delivery platform", a business that acts as a third-party intermediary by taking and arranging for the delivery or pickup of orders from multiple restaurants for ultimate consumers. The term does not include delivery or pickup orders placed directly with, and fulfilled by, a restaurant. The term does not include websites, mobile applications, or other electronic services that do not post restaurant menus, logos, or pricing information on their platforms;

(3) "Likeness", a mark or trade name;

(4) "Mark", a trademark or service mark, regardless of whether the trademark or service mark is actually registered;

(5) "Restaurant", a business in this state that:

(a) Operates its own permanent food service facilities with commercial cooking equipment on its premises; and

(b) Prepares and offers to sell multiple entrees for consumption on or off the premises;

(6) "Trade name", a name used by a person or entity to identify the person's or entity's business or vocation.

2. (1) A food delivery platform shall not take and arrange for the delivery or pickup of an order from a restaurant in this state unless such food delivery platform has filed a certificate of formation or registration with the secretary of state.

(2) A food delivery platform shall:

(a) Not use a restaurant's likeness in a manner that could reasonably be interpreted to falsely suggest sponsorship or endorsement by the restaurant;

(b) Not, without the restaurant's consent, take and arrange for the delivery or pickup of an order from a restaurant;

(c) Not, without an agreement with the restaurant, intentionally inflate or alter a restaurant's pricing, although other charges may be assessed to the ultimate consumer if they are noted separately to the consumer;

(d) Not, without an agreement with the restaurant, attempt to charge a restaurant, or expect the restaurant to pay or absorb any fee, commission, or charge;

(e) Remove a restaurant from the food delivery platform's services within ten days of receiving the restaurant's request for removal unless an agreement between the food delivery platform and the restaurant states otherwise; and

(f) Clearly provide to the ultimate consumer a mechanism to express order concerns directly to the food delivery platform.

(3) Any agreement between a food delivery platform and a restaurant to take and arrange for the delivery or pickup of orders shall:

(a) Be in writing and expressly authorize the food delivery platform to take and arrange for the delivery or pickup of orders from the restaurant;

(b) Clearly identify any fee, commission, or charge that the restaurant will be required to pay or absorb; and

(c) Not include a provision, clause, or covenant that requires a restaurant to indemnify a food delivery platform, or any employee, independent contractor, or agent of the food delivery platform, for any damages or harm caused by the actions or omissions of the food delivery platform or any employee, independent contractor, or agent of the food delivery platform.

(4) Any provision in an agreement between a food delivery platform and a restaurant, or in a written consent, that is contrary to subdivision (3) of this subsection is void and unenforceable.

3. (1) A restaurant may bring an action to enjoin a violation of this section. If the court finds a violation, the court shall issue an injunction and may:

(a) Subject to subdivision (2) of this subsection, require the violator to pay to the injured party all profits derived from or damages resulting from the wrongful acts; and

(b) Order that the wrongful act be terminated.

(2) If the court finds that the food delivery platform committed a wrongful act in bad faith, in violation of this section by not having an agreement or written consent, or otherwise, as according to the circumstances of the case, the court, in the court's discretion, may:

(a) Enter judgment in an amount not to exceed three times the amount of profits and damages; and

(b) Award reasonable attorney's fees to the restaurant.

300.010. DEFINITIONS. — The following words and phrases when used in this ordinance mean:

(1) "Alley" or "alleyway", any street with a roadway of less than twenty feet in width;

(2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either:

(a) A seat designed to be straddled by the operator, and handlebars for steering control, **but excluding an electric bicycle**; or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;

(3) "Authorized emergency vehicle", a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls;

(4) "Business district", the territory contiguous to and including a highway when within any six hundred feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(5) "Central business (or traffic) district", all streets and portions of streets within the area described by city ordinance as such;

(6) "Commercial vehicle", every vehicle designed, maintained, or used primarily for the transportation of property;

(7) "Controlled access highway", every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway;

(8) "Crosswalk",

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(9) "Curb loading zone", a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;

(10) "Driver", every person who drives or is in actual physical control of a vehicle;

(11) **"Electric bicycle", a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:**

(a) **"Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;**

(b) **"Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or**

(c) **"Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour;**

(12) "Freight curb loading zone", a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers);

[(12)] (13) "Highway", the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

[(13)] (14) "Intersection",

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

[(14)] (15) "Laned roadway", a roadway which is divided into two or more clearly marked lanes for vehicular traffic;

[(15)] (16) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors, **electric bicycles**, and motorized bicycles;

[(16)] (17) "Motorcycle", every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding **an electric bicycle and** a tractor;

[(17)] **(18)** "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, **but excluding an electric bicycle**;

[(18)] **(19)** "Official time standard", whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the city;

[(19)] **(20)** "Official traffic control devices", all signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

[(20)] **(21)** "Park" or "parking", the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

[(21)] **(22)** "Passenger curb loading zone", a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers;

[(22)] **(23)** "Pedestrian", any person afoot;

[(23)] **(24)** "Person", every natural person, firm, copartnership, association or corporation;

[(24)] **(25)** "Police officer", every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

[(25)] **(26)** "Private road" or "driveway", every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

[(26)] **(27)** "Railroad", a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

[(27)] **(28)** "Railroad train", a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

[(28)] **(29)** "Residence district", the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business;

[(29)] **(30)** "Right-of-way", the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

[(30)] **(31)** "Roadway", that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

[(31)] **(32)** "Safety zone", the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

[(32)] **(33)** "Sidewalk", that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

[(33)] **(34)** "Stand" or "standing", the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;

[(34)] **(35)** "Stop", when required, complete cessation from movement;

[(35)] **(36)** "Stop" or "stopping", when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;

[(36)] (37) "Street" or "highway", the entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "State highway", a highway maintained by the state of Missouri as a part of the state highway system;

[(37)] (38) "Through highway", every highway or portion thereof on which vehicular traffic is given preferential rights-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield rights-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this ordinance;

[(38)] (39) "Traffic", pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel;

[(39)] (40) "Traffic control signal", any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;

[(40)] (41) "Traffic division", the traffic division of the police department of the city, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of the city;

[(41)] (42) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, **electric bicycles**, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

301.010. DEFINITIONS. — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either:

(a) A seat designed to be straddled by the operator, and handlebars for steering control, **but excluding an electric bicycle**; or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

(3) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units;

(4) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(5) "Backhaul", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;

(6) "Boat transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls. Boats may be partially disassembled to facilitate transporting;

(7) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(8) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(9) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(10) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(11) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(12) "Director" or "director of revenue", the director of the department of revenue;

(13) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(15) "Electric bicycle", a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

(a) "Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;

(b) "Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or

(c) "Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour;

(16) "Farm tractor", a tractor used exclusively for agricultural purposes;

[(16)] **(17) "Fleet", any group of ten or more motor vehicles owned by the same owner;**

[(17)] **(18) "Fleet vehicle", a motor vehicle which is included as part of a fleet;**

[(18)] **(19) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;**

[(19)] **(20) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;**

[(20)] **(21) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;**

[(21)] **(22) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;**

[(22)] **(23) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;**

[(23)] **(24)** "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[(24)] **(25)** "Junk vehicle", a vehicle which:

(a) Is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap; or

(b) Has been designated as junk or a substantially equivalent designation by this state or any other state;

[(25)] **(26)** "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

[(26)] **(27)** "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation.

Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

[(27)] **(28)** "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

[(28)] **(29)** "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from such site with an extended distance local log truck permit, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than three axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

[(29)] **(30)** "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated at a forested site and in an area extending not more than a one hundred mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from

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such site with an extended distance local log truck permit, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than three axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

[(30)] **(31)** "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

[(31)] **(32)** "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

[(32)] **(33)** "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

[(33)] **(34)** "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(34)] **(35)** "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(35)] **(36)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors **and electric bicycles**;

[(36)] **(37)** "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

- (a) Offered for hire or lease; or
- (b) The owner of which also owns ten or more such motor vehicles;

[(37)] **(38)** "Motorcycle", a motor vehicle operated on two wheels;

[(38)] **(39)** "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, **but excluding an electric bicycle**;

[(39)] **(40)** "Motortricycle", a motor vehicle upon which the operator straddles or sits astride that is designed to be controlled by handle bars and is operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel, **but excluding an electric bicycle**. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(40)] **(41)** "Municipality", any city, town or village, whether incorporated or not;

[(41)] **(42)** "Nonresident", a resident of a state or country other than the state of Missouri;

[(42)] **(43)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(43)] **(44)** "Operator", any person who operates or drives a motor vehicle;

[(44)] **(45)** "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or who has executed a buyer's order or retail installment sales contract with a motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle with an immediate right of possession vested in the transferee, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or

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in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;

[(45)] **(46)** "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(46)] **(47)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(47)] **(48)** "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(48)] **(49)** "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

[(49)] **(50)** "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails;

[(50)] **(51)** "Recreational trailer", any trailer designed, constructed, or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or attached to a unit which is securely attached to a motor vehicle;

[(51)] **(52)** "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(52)] **(53)** "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

[(53)] **(54)** "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(54)] **(55)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to

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rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

[(55)] **(56)** "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(56)] **(57)** "Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

[(57)] **(58)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[(58)] **(59)** "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[(59)] **(60)** "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

[(60)] **(61)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[(61)] **(62)** "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[(62)] **(63)** "Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

[(63)] **(64)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[(64)] **(65)** "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers as defined in this section and shall not include manufactured homes as defined in section 700.010;

[(65)] (66) "Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination;

[(66)] (67) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(67)] (68) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

[(68)] (69) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[(69)] (70) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. Business does not include isolated sales at a swap meet of less than three days;

[(70)] (71) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

[(71)] (72) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(72)] (73) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, **electric bicycles**, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[(73)] (74) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(74)] (75) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.558. DEALER MAY FILL IN BLANKS ON STANDARDIZED FORMS, WHEN — FEE AUTHORIZED, FUND CREATED — PRELIMINARY WORKSHEET ON COMPUTATION OF SALE PRICE, REQUIREMENTS. — 1. A motor vehicle dealer, boat dealer, or powersport dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer if the motor vehicle dealer, boat dealer, or powersport dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents.

2. A motor vehicle dealer, boat dealer, or powersport dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer, boat dealer, or powersport dealer.

3. **(1) Ten percent of any fee authorized under this section and charged by motor vehicle dealers shall be remitted to the motor vehicle administration technology fund established in this subsection, for the development of the system specified in this subsection. Following the development of the system specified in this subsection, the director of the department of revenue shall notify motor vehicle dealers and implement the system, and the percentage of any fee authorized under this section required to be remitted to the fund shall be reduced to one percent, which shall be used for maintenance of the system. This subsection shall expire on January 1, 2037.**

(2) There is hereby created in the state treasury the "Motor Vehicle Administration Technology Fund", which shall consist of money collected as specified in this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the purpose of development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver's licenses and identification cards, and perfection and release of liens and encumbrances on vehicles.

(3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(4) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. No motor vehicle dealer, boat dealer, or powersport dealer that sells or leases new or used motor vehicles, vessels, or vessel trailers and imposes an administrative fee of [less than two] **five** hundred dollars **or less** in connection with the sale or lease of a new or used vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services shall be deemed to be engaging in the unauthorized practice of law. **The maximum administrative fee permitted under this subsection shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for All Urban Consumers or its successor index, as reported by the federal Bureau of Labor Statistics or its successor agency, or by zero, whichever is greater. The director of the department of revenue shall annually furnish the maximum administrative fee determined under this section to the secretary of state, who shall publish such value in the Missouri register as soon as practicable after January fourteenth of each year.**

[4.] **5. If an administrative fee is charged under this section, the same administrative fee shall be charged to all retail customers [and] unless the fee is limited by the dealer's franchise agreement to certain classes of customers. The fee shall be disclosed on the retail buyer's order form as a separate itemized charge.**

[5.] **6. A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall include, in reasonable proximity to the place on the document where the administrative fee authorized by this section is disclosed, the amount of the administrative fee and the following notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material:**

**"AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT
REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS**

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ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW."

[6.] 7. The general assembly believes that an administrative fee charged in compliance with this section is not the unauthorized practice of law or the unauthorized business of law so long as the activity or service for which the fee is charged is in compliance with the provisions of this section and does not result in the waiver of any rights or remedies. Recognizing, however, that the judiciary is the sole arbitrator of what constitutes the practice of law, in the event that a court determines that an administrative fee charged in compliance with this section, and that does not waive any rights or remedies of the buyer, is the unauthorized practice of law or the unauthorized business of law, then no person who paid that administrative fee may recover said fee or treble damages, as permitted under section 484.020, and no person who charged that fee shall be guilty of a misdemeanor, as provided under section 484.020.

302.010. DEFINITIONS. — Except where otherwise provided, when used in this chapter, the following words and phrases mean:

- (1) "Circuit court", each circuit court in the state;
- (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;
- (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;
- (4) "Criminal history check", a search of criminal records, including criminal history record information as defined in section 43.500, maintained by the Missouri state highway patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including, but not limited to, any record of conviction, plea of guilty or nolo contendere, or finding of guilty in any state for any offense related to alcohol, controlled substances, or drugs;
- (5) "Director", the director of revenue acting directly or through the director's authorized officers and agents;
- (6) "Farm tractor", every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;
- (7) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;
- (8) "Incompetent to drive a motor vehicle", a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;
- (9) "License", a license issued by a state to a person which authorizes a person to operate a motor vehicle;
- (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180 **and electric bicycles, as defined in section 301.010;**
- (11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles **or electric bicycles as such terms are** defined in section 301.010;

(12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel, **but excluding an electric bicycle as defined in section 301.010**;

(13) "Moving violation", that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles;

(14) "Municipal court", every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

(15) "Nonresident", every person who is not a resident of this state;

(16) "Operator", every person who is in actual physical control of a motor vehicle upon a highway;

(17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

(18) "Record" includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

(19) "Residence address", "residence", or "resident address" shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere;

(20) "Restricted driving privilege", a sixty-day driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program or certified ignition interlock provider, or a ninety-day interlock restricted privilege issued by the director of revenue for the limited purpose of driving in connection with the driver's business, occupation, employment, seeking medical treatment for such driver or a dependent family member, attending school or other institution of higher education, attending alcohol- or drug-treatment programs, seeking the required services of a certified ignition interlock provider, fulfilling court obligations, including required appearances and probation and parole obligations, religious services, the care of a child or children, including scheduled visitation or custodial obligations pursuant to a court order, fueling requirements for any vehicle utilized, and seeking basic nutritional requirements;

(21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term "school bus" shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(a) On a regularly scheduled route for the transportation of fare-paying passengers; or

(b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

(22) "School bus operator", an operator who operates a school bus as defined in subdivision (21) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term "school bus operator" shall not include any person who transports schoolchildren as

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an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

(23) "Signature", any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver's license or related document;

(24) "Substance abuse traffic offender program", a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

(25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, **electric bicycles**, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.

303.020. DEFINITIONS. — As used in this chapter the following words and phrases shall mean:

(1) "Chauffeur", a person who is employed for the principal purpose of operating a motor vehicle or any person who drives a motor vehicle while in use as a public or common carrier of persons or property for hire;

(2) "Director", director of revenue of the state of Missouri, acting directly or through his authorized officers and agents;

(3) "Judgment", a final judgment by a court of competent jurisdiction of any state or of the United States, upon a claim for relief for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a claim for relief on any agreement or settlement for such damages arising out of the ownership, maintenance or use of any motor vehicle;

(4) "License", an operator's or driver's license, temporary instruction permit, chauffeur's or registered operator's license issued under the laws of this state;

(5) "Motor vehicle", a self-propelled vehicle which is designed for use upon a highway, except trailers designed for use with such vehicles, traction engines, road rollers, farm tractors, tractor cranes, power shovels, well drillers [and] , motorized bicycles[,] as defined in section 307.180, **electric bicycles as defined in section 301.010**, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails;

(6) "Nonresident", a person not a resident of the state of Missouri;

(7) "Nonresident's operating privilege", the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him in this state;

(8) "Operator", a person who is in actual physical control of a motor vehicle;

(9) "Owner", a person who holds the legal title to a motor vehicle; or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a motor vehicle is entitled to possession thereof, then such conditional vendee or lessee or mortgagor;

(10) "Proof of financial responsibility", proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident;

(11) "Registration", registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(12) "State", any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada;

(13) "Street" or "highway", the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

304.001. DEFINITIONS FOR CHAPTER 304 AND CHAPTER 307. — As used in this chapter and chapter 307, the following terms shall mean:

(1) "Abandoned property", any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in sections 304.155 and 304.157, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a crime inquiry and inspection report;

(2) "Commercial vehicle enforcement officers", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles;

(3) "Commercial vehicle inspectors", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to supervise or operate permanent or portable weigh stations in the enforcement of commercial vehicle laws;

(4) "Commission", the state highways and transportation commission;

(5) "Department", the state transportation department;

(6) "Freeway", a divided state highway with four or more lanes, with no access to the throughways except the established interchanges and with no at-grade crossings;

(7) "Interstate highway", a state highway included in the national system of interstate highways located within the boundaries of Missouri, as officially designated or as may be hereafter designated by the state highways and transportation commission with the approval of the Secretary of Transportation, pursuant to Title 23, U.S.C., as amended;

(8) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state highway patrol;

(9) "Off-road vehicle", any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without benefit of a road or trail:

(a) Including, without limitation, the following:

a. Jeeps;

b. All-terrain vehicles;

c. Dune buggies;

d. Multiwheel drive or low-pressure tire vehicles;

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

- e. Vehicle using an endless belt, or tread or treads, or a combination of tread and low-pressure tires;
 - f. Motorcycles, trail bikes, minibikes and related vehicles;
 - g. Any other means of transportation deriving power from any source other than muscle or wind;
- and
- (b) Excluding the following:
 - a. Registered motorboats;
 - b. Aircraft;
 - c. Any military, fire or law enforcement vehicle;
 - d. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;
 - e. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site;
 - f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; [and]
 - g. Any vehicle being used for the purpose of transporting a handicapped person;
 - h. Electric bicycles, as defined in section 301.010;**
 - (10) "Person", any natural person, corporation, or other legal entity;
 - (11) "Right-of-way", the entire width of land between the boundary lines of a state highway, including any roadway;
 - (12) "Roadway", that portion of a state highway ordinarily used for vehicular travel, exclusive of the berm or shoulder;
 - (13) "State highway", a highway constructed or maintained by the state highways and transportation commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way;
 - (14) "Towing company", any person or entity which tows, removes or stores abandoned property;
 - (15) "Urbanized area", an area with a population of fifty thousand or more designated by the Bureau of the Census, within boundaries to be fixed by the state highways and transportation commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.

304.900. PERSONAL DELIVERY DEVICES, AUTHORITY TO OPERATE — DEFINITIONS — REQUIREMENTS — INSURANCE — LIGHTING EQUIPMENT REQUIRED, WHEN — PERSONALLY IDENTIFIABLE LIKENESS, SALE OF PROHIBITED. — 1. As used in this section, the following terms mean:

- (1) **"Agent", a person given the responsibility, by an entity, of navigating and operating a personal delivery device;**
- (2) **"Personal delivery device", a powered device operated primarily on sidewalks and crosswalks, intended primarily for the transport of property on public rights-of-way, and capable of navigating with or without the active control or monitoring of a natural person. Notwithstanding any other provision of law, a "personal delivery device" shall not be defined as a motor vehicle or a vehicle;**
- (3) **"Personal delivery device operator", an entity or its agent that exercises physical control or monitoring over the navigation system and operation of a personal delivery device. A "personal delivery device operator" does not include an entity or person that requests or receives the services of a personal delivery device for the purpose of transporting property or an entity or person who merely arranges for and dispatches the requested services of a personal delivery device.**

2. Notwithstanding any other provision of law, a personal delivery device is authorized to operate in this state:

- (1) On any sidewalk or crosswalk of any county or municipality in the state; and
- (2) On any roadway of any county or municipality in the state, provided that the personal delivery device shall not unreasonably interfere with motor vehicles or traffic.

3. A personal delivery device shall:

- (1) Not block public rights-of-way;
- (2) Obey all traffic and pedestrian control signals and devices;
- (3) Operate at a speed that does not exceed a maximum speed of ten miles per hour on a sidewalk or crosswalk;
- (4) Contain a unique identifying number that is displayed on the device;
- (5) Include a means of identifying the personal delivery device operator; and
- (6) Be equipped with a system that enables the personal delivery device to come to a controlled stop.

4. Subject to the requirements of this section, a personal delivery device operating on a sidewalk or crosswalk shall have all the responsibilities applicable to a pedestrian under the same circumstances.

5. A personal delivery device shall be exempt from motor vehicle registration requirements.

6. A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of at least one hundred thousand dollars for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.

7. If the personal delivery device is being operated between sunset and sunrise, it shall be equipped with lighting on both the front and rear of the personal delivery device visible in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device.

8. A personal delivery device shall not be used for the transportation of hazardous material regulated under the Hazardous Materials Transportation Act, 49 USC Section 5103, and required to be placarded under 49 CFR Part 172, Subpart F.

9. Nothing in this section shall prohibit a political subdivision from regulating the operation of personal delivery devices on a highway or pedestrian area to insure the welfare and safety of its residents. However, political subdivisions shall not regulate the design, manufacture and maintenance of a personal delivery device nor the types of property that may be transported by a personal delivery device. Additionally, no political subdivision shall treat personal delivery devices differently for the purposes of assessment and taxation or other charges from personal property that is similar in nature.

10. A personal delivery device operator may not sell or disclose a personally identifiable likeness to a third party in exchange for monetary compensation. For purposes of this section, a personally identifiable likeness includes photographic images, videos, digital image files, or other digital data that can be used to either directly or indirectly identify an individual. "Personally identifiable likeness" does not include aggregated or anonymized data. The use of any personally identifiable likeness by a personal delivery device operator to improve their products and services is allowed under this section. Information that would otherwise be protected under this section as confidential shall only be provided to a law enforcement entity with a properly executed, lawful subpoena.

307.025. EXEMPTIONS. — The subsequent provisions of this chapter with respect to equipment and lights on vehicles shall not apply to agricultural machinery and implements, road machinery, road

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rollers, traction engines, motorized bicycles, **electric bicycles as defined in section 301.010**, or farm tractors except as in this chapter made applicable.

307.180. BICYCLE AND MOTORIZED BICYCLE, DEFINED. — As used in sections 307.180 to 307.193:

(1) The word "bicycle" shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, or two parallel wheels and one or two forward or rear wheels, all of which are more than fourteen inches in diameter, except scooters and similar devices;

(2) The term "motorized bicycle" shall mean any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, **but excluding an electric bicycle, as defined in section 301.010**. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

307.188. RIGHTS AND DUTIES OF BICYCLE, ELECTRIC BICYCLE, AND MOTORIZED BICYCLE RIDERS. — Every person riding a bicycle, **electric bicycle**, or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by chapter 304, except as to special regulations in sections 307.180 to 307.193 and except as to those provisions of chapter 304 which by their nature can have no application.

307.193. PENALTY FOR VIOLATION. — Any person seventeen years of age or older who violates any provision of sections 307.180 to [307.193] **307.194** is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars. Such an infraction does not constitute a crime and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under seventeen years of age violates any provision of sections 307.180 to [307.193] **307.194** in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five days upon issuance of a receipt to the child riding it or to its owner.

307.194. ELECTRIC BICYCLES — RIGHTS AND PRIVILEGES — LABEL, REQUIREMENTS — MODIFICATIONS REQUIRE NEW LABEL — PRODUCT SAFETY STANDARDS — AUTHORIZED TO RIDE, WHERE, EXCEPTIONS — CLASS 3 ELECTRIC BICYCLES, SPECIAL PROVISIONS. — **1.** Except as otherwise provided in this section, every person riding an electric bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle. An electric bicycle shall be considered a vehicle to the same extent as a bicycle.

2. An electric bicycle or a person operating an electric bicycle is not subject to provisions of law that are applicable to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.

3. Beginning August 28, 2021, manufacturers and distributors of electric bicycles shall apply a permanent label to each electric bicycle. The label, which shall be affixed to the electric bicycle in a prominent location, shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle. The text on the label shall be Arial font and in at least nine-point type.

4. No person shall tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle unless he or she replaces the label required under subsection 3 of this section with a new label indicating the new classification.

5. An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512.

6. An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

7. An electric bicycle may be ridden where bicycles are permitted to travel, subject to the following provisions:

(1) An electric bicycle may be ridden on bicycle or multi-use paths where bicycles are permitted;

(2) Following notice and a public hearing, a municipality, local authority, or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path if it finds that such a restriction is needed for safety reasons or compliance with other laws or legal obligations;

(3) A municipality, local authority, or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path; and

(4) The provisions of this subsection shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of the state having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail.

8. The use of class 3 electric bicycles shall be subject to the following provisions:

(1) No person under sixteen years of age shall operate a class 3 electric bicycle. A person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers; and

(2) All class 3 electric bicycles shall be equipped with a speedometer that is capable of displaying the speed an electric bicycle is traveling in miles per hour.

365.020. DEFINITIONS. — Unless otherwise clearly indicated by the context, the following words and phrases have the meanings indicated:

(1) "Cash sale price", the price stated in a retail installment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle which is the subject matter of the retail installment contract, if the sale had been a sale for cash or at a cash price instead of a retail installment transaction at a time sale price. The cash sale price may include any taxes, registration, certificate of title, license and other fees and charges for accessories and their installment and for delivery, servicing, repairing or improving the motor vehicle;

(2) "Director", the office of the director of the division of finance;

(3) "Holder" of a retail installment contract, the retail seller of the motor vehicle under the contract or, if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee;

(4) "Insurance company", any form of lawfully authorized insurer in this state;

(5) "Motor vehicle", any new or used automobile, mobile home, manufactured home as defined in section 700.010, excluding a manufactured home with respect to which the requirements of subsections 1 to 3 of section 700.111, as applicable, have been satisfied, motorcycle, all-terrain vehicle, motorized bicycle, **electric bicycle as defined in section 301.010**, moped, motortricycle, truck, trailer, semitrailer, truck tractor, or bus primarily designed or used to transport persons or property on a public highway, road or street;

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(6) "Official fees", the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying any title or lien retained or taken by a seller in connection with a retail installment transaction;

(7) "Person", an individual, partnership, corporation, association, and any other group however organized;

(8) "Principal balance", the cash sale price of the motor vehicle which is the subject matter of the retail installment transaction plus the amounts, if any, included in the sale, if a separate identified charge is made therefor and stated in the contract, for insurance and other benefits, including any amounts paid or to be paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien, or lease interest on property traded in and official fees, minus the amount of the buyer's down payment in money or goods. Notwithstanding any law to the contrary, any amount actually paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien or lease on property traded in which was included in a contract prior to August 28, 1999, is valid and legal;

(9) "Retail buyer" or "buyer", a person who buys a motor vehicle from a retail seller in a retail installment transaction under a retail installment contract;

(10) "Retail installment contract" or "contract", an agreement evidencing a retail installment transaction entered into in this state pursuant to which the title to or a lien upon the motor vehicle, which is the subject matter of the retail installment transaction is retained or taken by the seller from the buyer as security for the buyer's obligation. The term includes a chattel mortgage or a conditional sales contract;

(11) "Retail installment transaction", a sale of a motor vehicle by a retail seller to a retail buyer on time under a retail installment contract for a time sale price payable in one or more deferred installments;

(12) "Retail seller" or "seller", a person who sells a motor vehicle, not principally for resale, to a retail buyer under a retail installment contract;

(13) "Sales finance company", a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more sellers. The term includes but is not limited to a bank, trust company, loan and investment company, savings and loan association, financing institution, or registrant pursuant to sections 367.100 to 367.200, if so engaged. The term shall not include a person who makes only isolated purchases of retail installment contracts, which purchases are not being made in the course of repeated or successive purchases of retail installment contracts from the same seller;

(14) "Time price differential", the amount, however denominated or expressed, as limited by section 365.120, in addition to the principal balance to be paid by the buyer for the privilege of purchasing the motor vehicle on time to be paid for by the buyer in one or more deferred installments;

(15) "Time sale price", the total of the cash sale price of the motor vehicle and the amount, if any, included for insurance and other benefits if a separate identified charge is made therefor and the amounts of the official fees and time price differential.

407.005. DIGITAL ELECTRONIC EQUIPMENT DEFINITION. — As used in this chapter, unless the context clearly requires otherwise, the term "digital electronic equipment" shall mean any product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product; provided however, that such term shall not include any motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer, or any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity.

407.560. DEFINITIONS. — As used in sections 407.560 to 407.579, the following terms mean:

(1) "Collateral charges", those additional charges to a consumer not directly attributable to a manufacturer's suggested retail price label for the new motor vehicle. For the purposes of sections

407.560 to 407.579, "collateral charges" includes all sales tax, license fees, registration fees, title fees and motor vehicle inspections;

(2) "Comparable motor vehicle", an identical or reasonably equivalent motor vehicle;

(3) "Consumer", the purchaser, other than for the purposes of resale, of a new motor vehicle, primarily used for personal, family, or household purposes, and any person to whom such new motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such new motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty;

(4) "Express warranty", any written affirmation of the fact or promise made by a manufacturer to a consumer in connection with the sale of new motor vehicles which relates to the nature of the material or workmanship or will meet a specified level of performance over a specified period of time;

(5) "Manufacturer", any person engaged in the manufacturing or assembling of new motor vehicles as a regular business;

(6) "New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer, which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of new motor vehicle. The term "new motor vehicle" shall include only those vehicles propelled by power other than muscular power, but the term shall not include vehicles used as a commercial motor vehicle, off-road vehicles, mopeds, **electric bicycles as defined in section 300.010**, motorcycles or recreational motor vehicles as defined in section 301.010, except for the chassis, engine, powertrain and component parts of recreational motor vehicles. The term "new motor vehicle" shall also include demonstrators or lease-purchase vehicles as long as a manufacturer's warranty was issued as a condition of sale.

407.815. DEFINITIONS. — As used in sections 407.810 to 407.835, unless the context otherwise requires, the following terms mean:

(1) "Administrative hearing commission", the body established in chapter 621 to conduct administrative hearings;

(2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either:

(a) A seat designed to be straddled by the operator, and handlebars for steering control, **but excluding an electric bicycle as defined in section 301.010**; or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;

(3) "Coerce", to compel or attempt to compel a person to act in a given manner by pressure, intimidation, or threat of harm, damage, or breach of contract, but shall not include the following:

(a) Good faith recommendations, exposition, argument, persuasion or attempts at persuasion without unreasonable conditions;

(b) Notice given in good faith to any franchisee of such franchisee's violation of terms or provisions of such franchise or contractual agreement; or

(c) Any conduct set forth in sections 407.810 to 407.835 that is permitted of the franchisor;

(4) "Common entity", a person:

(a) Who is either controlled or owned, beneficially or of record, by one or more persons who also control or own more than forty percent of the voting equity interest of a franchisor; or

(b) Who shares directors or officers or partners with a franchisor;

(5) "Control", to possess, directly or indirectly, the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract, or

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otherwise; except that "control" does not include the relationship between a franchisor and a franchisee under a franchise agreement;

(6) "Dealer-operator", the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business;

(7) "Distributor", a person, resident or nonresident, who, in whole or in part, sells or distributes new motor vehicles to motor vehicle dealers in this state;

(8) "Franchise" or "franchise agreement", a written arrangement or contract for a definite or indefinite period, in which a person grants to another person a license to use, or the right to grant to others a license to use, a trade name, trademark, service mark, or related characteristics, in which there is a community of interest in the marketing of goods or services, or both, at wholesale or retail, by agreement, lease or otherwise, and in which the operation of the franchisee's business with respect to such franchise is substantially reliant on the franchisor for the continued supply of franchised new motor vehicles, parts and accessories for sale at wholesale or retail. The franchise includes all portions of all agreements between a franchisor and a franchisee, including but not limited to a contract, new motor vehicle franchise, sales and service agreement, or dealer agreement, regardless of the terminology used to describe the agreement or relationship between the franchisor and franchisee, and also includes all provisions, schedules, attachments, exhibits and agreements incorporated by reference therein;

(9) "Franchisee", a person to whom a franchise is granted;

(10) "Franchisor", a person who grants a franchise to another person;

(11) "Good faith", the duty of each party to any franchise and all officers, employees, or agents thereof, to act in a fair and equitable manner toward each other so as to guarantee the one party freedom from coercion, intimidation, or threat of coercion or intimidation from the other party;

(12) "Importer", a person who has written authorization from a foreign manufacturer of a line-make of motor vehicles to grant a franchise to a motor vehicle dealer in this state with respect to that line-make;

(13) "Line-make", a collection of models, series, or groups of motor vehicles manufactured by or for a particular manufacturer, distributor or importer offered for sale, lease or distribution pursuant to a common brand name or mark; provided, however:

(a) Multiple brand names or marks may constitute a single line-make, but only when included in a common dealer agreement and the manufacturer, distributor or importer offers such vehicles bearing the multiple names or marks together only, and not separately, to its authorized dealers; and

(b) Motor vehicles bearing a common brand name or mark may constitute separate line-makes when pertaining to motor vehicles subject to separate dealer agreements or when such vehicles are intended for different types of use;

(14) "Manufacturer", any person, whether a resident or nonresident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. The term "manufacturer" includes a central or principal sales corporation or other entity, other than a franchisee, through which, by contractual agreement or otherwise, it distributes its products;

(15) "Motor vehicle", for the purposes of sections 407.810 to 407.835, any motor-driven vehicle required to be registered pursuant to the provisions of chapter 301, except that, motorcycles, **electric bicycles**, and all-terrain vehicles as defined in section 301.010 shall not be included. The term "motor vehicle" shall also include any engine, transmission, or rear axle, regardless of whether attached to a vehicle chassis, that is manufactured for the installation in any motor-driven vehicle with a gross vehicle weight rating of more than sixteen thousand pounds that is registered for the operations on the highways of this state under chapter 301;

(16) "New", when referring to motor vehicles or parts, means those motor vehicles or parts which have not been held except as inventory, as that term is defined in subdivision (4) of section 400.9-109;

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(17) "Person", a natural person, sole proprietor, partnership, corporation, or any other form of business entity or organization;

(18) "Principal investor", the owner of the majority interest of any franchisee;

(19) "Reasonable", shall be based on the circumstances of a franchisee in the market served by the franchisee;

(20) "Require", to impose upon a franchisee a provision not required by law or previously agreed to by a franchisee in a franchise agreement;

(21) "Successor manufacturer", any manufacturer that succeeds, or assumes any part of the business of, another manufacturer, referred to as the "predecessor manufacturer", as the result of:

(a) A change in ownership, operation, or control of the predecessor manufacturer by sale or transfer of assets, corporate stock, or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, court-approved sale, operation of law, or otherwise;

(b) The termination, suspension or cessation of a part or all of the business operations of the predecessor manufacturer;

(c) The noncontinuation of the sale of the product line; or

(d) A change in distribution system by the predecessor manufacturer, whether through a change in distributor or the predecessor manufacturer's decision to cease conducting business through a distributor altogether.

407.1025. DEFINITIONS. — As used in sections 407.1025 to 407.1049, unless the context otherwise requires, the following terms mean:

(1) "Administrative hearing commission", the body established in chapter 621 to conduct administrative hearings;

(2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either:

(a) A seat designed to be straddled by the operator, and handlebars for steering control, **but excluding an electric bicycle as defined in section 301.010**; or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;

(3) "Coerce", to force a person to act in a given manner or to compel by pressure or threat but shall not be construed to include the following:

(a) Good faith recommendations, exposition, argument, persuasion or attempts at persuasion;

(b) Notice given in good faith to any franchisee of such franchisee's violation of terms or provisions of such franchise or contractual agreement;

(c) Any other conduct set forth in section 407.1043 as a defense to an action brought pursuant to sections 407.1025 to 407.1049; or

(d) Any other conduct set forth in sections 407.1025 to 407.1049 that is permitted of the franchisor or is expressly excluded from coercion or a violation of sections 407.1025 to 407.1049;

(4) "Franchise", a written arrangement or contract for a definite or indefinite period, in which a person grants to another person a license to use, or the right to grant to others a license to use, a trade name, trademark, service mark, or related characteristics, in which there is a community of interest in the marketing of goods or services, or both, at wholesale or retail, by agreement, lease or otherwise, and in which the operation of the franchisee's business with respect to such franchise is substantially reliant on the franchisor for the continued supply of franchised new motorcycles or all-terrain vehicles, parts and accessories for sale at wholesale or retail;

(5) "Franchisee", a person to whom a franchise is granted;

(6) "Franchisor", a person who grants a franchise to another person;

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(7) "Motorcycle", a motor vehicle operated on two wheels, **but excluding an electric bicycle as defined in section 301.010;**

(8) "New", when referring to motorcycles or all-terrain vehicles or parts, means those motorcycles or all-terrain vehicles or parts which have not been held except as inventory, as that term is defined in subdivision (4) of section 400.9-109;

(9) "Person", a sole proprietor, partnership, corporation, or any other form of business organization.

578.120. SALE OF MOTOR VEHICLES ON SUNDAY PROHIBITED, EXCEPTIONS — ENCOURAGEMENT BY CERTAIN ASSOCIATIONS TO REMAIN CLOSED ON SUNDAYS NOT A VIOLATION OF ANTITRUST LAWS — VIOLATIONS, PENALTY. — 1. Notwithstanding any provision in this chapter to the contrary, no dealer, distributor or manufacturer licensed under section 301.559 may keep open, operate, or assist in keeping open or operating any established place of business for the purpose of buying, selling, bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new or used, on Sunday. However, this section does not apply to the sale of manufactured housing; the sale of recreational motor vehicles; the sale of motorcycles as that term is defined in section 301.010; the sale of motorbicycles, motorized bicycles, **electric bicycles as defined in section 300.010**, all-terrain vehicles, recreational off-highway vehicles, utility vehicles, personal watercraft, or other motorized vehicles customarily sold by powersports dealers licensed pursuant to sections 301.550 to 301.560; washing, towing, wrecking or repairing operations; the sale of petroleum products, tires, and repair parts and accessories; or new vehicle shows or displays participated in by five or more franchised dealers or in towns or cities with five or fewer dealers, a majority.

2. No association consisting of motor vehicle dealers, distributors or manufacturers licensed under section 301.559 shall be in violation of antitrust or restraint of trade statutes under chapter 416 or regulation promulgated thereunder solely because it encourages its members not to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or exchanging any motor vehicle.

3. Any person who violates the provisions of this section shall be guilty of a class C misdemeanor.

SECTION B. EFFECTIVE DATE FOR A CERTAIN SECTION. — The enactment of section 196.276 of section A of this act shall become effective on January 1, 2022.

Approved June 22, 2021

SB 189

Enacts provisions relating to a Negro Leagues Baseball Museum special license plate.

AN ACT to amend chapter 301, RSMo, by adding thereto one new section relating to a Negro Leagues Baseball Museum special license plate.

SECTION

A Enacting clause.

301.3179 Negro Leagues Baseball Museum license plates — application, procedure, fee.

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

SECTION A. ENACTING CLAUSE. — Chapter 301, RSMo, is amended by adding thereto one new section, to be known as section 301.3179, to read as follows:

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

301.3179. NEGRO LEAGUES BASEBALL MUSEUM LICENSE PLATES — APPLICATION, PROCEDURE, FEE. — 1. Any vehicle owner may apply for "Negro Leagues Baseball Museum" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten dollar contribution to the Negro Leagues Baseball Museum, the vehicle owner may apply for the "Negro Leagues Baseball Museum" plate. If the contribution is made directly to the Negro Leagues Baseball Museum, the organization shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "Negro Leagues Baseball Museum" license plate. The applicant for such plate shall pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "Negro Leagues Baseball Museum" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The "Negro Leagues Baseball Museum" plate shall bear the emblem of the Negro Leagues Baseball Museum as prescribed by the director of revenue and shall have the words "NEGRO LEAGUES BASEBALL MUSEUM". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

2. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

Approved May 17, 2021

SS SB 258

Enacts provisions relating to military affairs, with penalty provisions.

AN ACT to repeal sections 227.299, 227.450, 301.020, and 302.171, RSMo, and to enact in lieu thereof thirty-one new sections relating to military affairs, with penalty provisions.

SECTION

A Enacting clause.

- 41.201 Use of state-owned vehicles, Missouri National Guard members considered state employees — exception.
- 41.676 Sergeant Robert Wayne Crow Jr. Memorial Armory designated in Joplin.
- 143.1032 Missouri medal of honor fund tax refund designation.
- 227.299 Memorial bridge or highway designations, procedure — notice requirements — signs to be erected — multiple designations prohibited — time period of designation.
- 227.450 Spc. Justin Blake Carter Memorial Highway designated for a portion of U.S. Highway 60 in Wright County.
- 227.463 Purple Heart Trail designated for portion of I-29 in Jackson and Atchison Counties.

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

- 227.464 Purple Heart Trail designated for portion of I-55 in Pemiscot County and St. Louis City.
- 227.465 Purple Heart Trail designated for portion of I-57 in Mississippi and Scott Counties.
- 227.466 Purple Heart Trail designated for portion of I-64 in St. Charles County and St. Louis City.
- 227.467 Purple Heart Trail designation, segment of highway may be additionally designated as memorial highway.
- 227.477 Army PFC Christopher Lee Marion Memorial Highway designated for portion of U.S. Business 71 in McDonald County.
- 227.478 Otis E Moore Memorial Highway designated for portion of U.S. State Highway 160 in Greene County.
- 227.486 Army SGT Timothy J Sutton Memorial Highway designated for portion of U.S. Highway 60 in Webster County.
- 227.488 U.S. Army SGT Brandon Maggart Memorial Bridge designated for a bridge on U.S. Highway 63 in Adair County.
- 227.489 U.S. Army PFC Adam L Thomas Memorial Bridge designated for a bridge on U.S. Highway 63 in Macon County.
- 227.490 U.S. Army SFC Matthew C Lewellen Memorial Bridge designated for a bridge on U.S. State Highway 63 in Adair County.
- 227.495 U.S. Army Specialist Michael Campbell Memorial Highway designated for portion of U.S. Highway 54 in Cole County.
- 227.496 Medal of Honor PVT George Phillips Memorial Highway designated for portion of State Highway T in Franklin County.
- 227.497 US Army Sergeant Hugh C Dunn Memorial Highway designated for portion of U.S. State Highway 63 in Macon County.
- 227.498 US Navy SEAL Scotty Wirtz Memorial Highway designated for portion of I-64 in St. Charles County.
- 227.777 US Navy FA Paul Akers Jr Memorial Bridge designated for a bridge on State Highway 17 in Pulaski County.
- 227.780 PFC Dale Raymond Jackson Memorial Highway designated for portion of State Highway 163 in Boone County.
- 227.781 Corporal Steven Lee Irvin Memorial Highway designated for portion of State Highway 163 in Boone County.
- 227.782 CPL Daniel Joseph Heibel Memorial Highway designated for portion of State Highway 163 in Boone County.
- 227.783 LCPL Larry Harold Coleman Memorial Highway designated for portion of State Highway 163 in Boone County.
- 227.784 VFW Post 2025 Memorial Bridge designated for a bridge on U.S. State Highway 63 in Phelps County.
- 227.785 Veterans Memorial Bridge designated for a bridge on State Highway 21 in Ripley County.
- 227.793 Nathanael Greene Highway designated for portion of I-44 in Greene County.
- 301.020 Application for registration of motor vehicles, contents — certain vehicles, special provisions — penalty for failure to comply — optional blindness assistance donation — donation to organ donor program or Missouri medal of honor recipients fund permitted.
- 302.171 Application for license — form — content — educational materials to be provided to applicants under twenty-one — voluntary contribution to certain programs and fund — denial of driving privilege, when — exemption from requirement to provide proof of residency — one-year renewal, requirements.
- 1 Fund created, donations, use of moneys to pay for renewal fee and maintenance of signs for memorial bridges or highways designated for medal of honor recipients.

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

SECTION A. ENACTING CLAUSE. — Sections 227.299, 227.450, 301.020, and 302.171, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 41.201, 41.676, 143.1032, 227.299, 227.450, 227.463, 227.464, 227.465, 227.466, 227.467, 227.477, 227.478, 227.486, 227.488, 227.489, 227.490, 227.495, 227.496, 227.497, 227.498, 227.777, 227.780, 227.781, 227.782, 227.783, 227.784, 227.785, 227.793, 301.020, 302.171, and 1, to read as follows:

41.201. USE OF STATE-OWNED VEHICLES, MISSOURI NATIONAL GUARD MEMBERS CONSIDERED STATE EMPLOYEES — EXCEPTION. — Service members of the Missouri National Guard shall be considered state employees for the purposes of operating state-owned vehicles for official state business unless the members are called into active federal military service by order of the President of the United States pursuant to Title 10 of the United States Code.

41.676. SERGEANT ROBERT WAYNE CROW JR. MEMORIAL ARMORY DESIGNATED IN JOPLIN. — The National Guard armory located in or nearest to Joplin shall be designated as the "Sergeant Robert Wayne Crow Jr. Memorial Armory".

143.1032. MISSOURI MEDAL OF HONOR FUND TAX REFUND DESIGNATION. — 1. In each taxable year beginning on or after January 1, 2022, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the Missouri Medal of Honor fund. The contribution designation authorized by this section shall be clearly and unambiguously printed on the first page of each income tax return form provided by this state. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the Missouri Medal of Honor fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly designated for the Missouri Medal of Honor fund, the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the Missouri Medal of Honor fund as provided in subsection 2 of this section.

2. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the Missouri Medal of Honor fund. The fund shall be administered by the director of revenue.

3. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the cost of collection, handling, and administration by the department of revenue during fiscal year 2021, to the Missouri Medal of Honor fund.

4. A contribution designated under this section shall only be deposited in the Missouri Medal of Honor fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Moneys deposited in the Missouri Medal of Honor fund shall be used by the department of transportation to pay for the costs of the Missouri Medal of Honor signs.

6. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

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227.299. MEMORIAL BRIDGE OR HIGHWAY DESIGNATIONS, PROCEDURE — NOTICE REQUIREMENTS — SIGNS TO BE ERRECTED — MULTIPLE DESIGNATIONS PROHIBITED — TIME PERIOD OF DESIGNATION. — 1 Except as provided in subsection 7 of this section, an organization or person that seeks a bridge or highway designation on the state highway system to honor an event, place, organization, or person who has been deceased for more than two years shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the bridge or segment of highway for which designation is sought and the proposed name of the bridge or relevant portion of highway. The application shall include the name of at least one current member of the general assembly who will sponsor the bridge or highway designation. The application may contain written testimony for support of the bridge or highway designation;

(2) A list of at least one hundred signatures of individuals who support the naming of the bridge or highway; and

(3) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed signs. The fee shall not exceed the cost of constructing and maintaining each sign.

2. All moneys received by the department of transportation for the construction and maintenance of bridge or highway signs on the state highway system shall be deposited in the state treasury to the credit of the state road fund.

3. The documents and fees required under this section shall be submitted to the department of transportation no later than November first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during such legislative session.

4. The department of transportation shall give notice of any proposed bridge or highway designation on the state highway system in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website, and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

5. If the memorial highway designation requested by the organization is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the requesting organization.

6. Two highway signs shall be erected for each bridge and highway designation on the state highway system processed under this section. When a named section of a highway crosses two or more county lines, consideration shall be given by the department of transportation to allow additional signage at the county lines or major intersections.

7. **(1)** Highway or bridge designations on the state highway system honoring fallen law enforcement officers, members of the Armed Forces killed in the line of duty, **Missouri recipients of the Medal of Honor**, emergency personnel killed while performing duties relating to their employment, or state employees killed while serving the state shall not be subject to the provisions of this section.

(2) Notwithstanding any provision of law to the contrary, beginning August 28, 2021, for designations honoring Missouri Medal of Honor recipients, no fees shall be assessed and all costs associated with such designations shall be funded by the department of transportation.

8. No bridge or portion of a highway on the state highway system may be named or designated after more than one event, place, organization, or person. Each event, place, organization, or person shall only be eligible for one bridge or highway designation.

9. Any highway signs erected for any bridge or highway designation on the state highway system under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the department of transportation and the bridge or highway may be designated to honor events, places, organizations, or persons other than the current

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designee. An existing highway or bridge designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the required documents and all applicable fees required under this section.

10. **For persons honored with designations on the state highway system under this chapter after August 28, 2021, the department of transportation shall post a link on its website to biographical information of such persons.**

11. The provisions of this section shall apply to bridge or highway designations sought after August 28, 2006.

227.450. SPC. JUSTIN BLAKE CARTER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 60 IN WRIGHT COUNTY. — The portion of U.S. Highway 60 from the intersection of State Route O to the intersection of [State Highway 5] **Leadhill Drive** in Wright County shall be designated the "Spc. Justin Blake Carter Memorial Highway [for Life]". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid for by private donations.

227.463. PURPLE HEART TRAIL DESIGNATED FOR PORTION OF I-29 IN JACKSON AND ATCHISON COUNTIES. — The portion of Interstate 29 from its intersection of Interstate 70/U.S. State Highway 71/40 in Jackson County north to the bridge crossing over Nishnabotna River in Atchison County, except for those portions of Interstate 29 previously designated as of August 28, 2021, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

227.464. PURPLE HEART TRAIL DESIGNATED FOR PORTION OF I-55 IN PEMISCOT COUNTY AND ST. LOUIS CITY. — The portion of Interstate 55 from State Highway O in Pemiscot County to U.S. Highway 40 in St. Louis City, except for those portions of Interstate 55 previously designated as of August 28, 2021, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

227.465. PURPLE HEART TRAIL DESIGNATED FOR PORTION OF I-57 IN MISSISSIPPI AND SCOTT COUNTIES. — The portion of Interstate 57 from the Missouri/Illinois state line in Mississippi County continuing south to U.S. State Highway 60/State Highway AA in Scott County shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

227.466. PURPLE HEART TRAIL DESIGNATED FOR PORTION OF I-64 IN ST. CHARLES COUNTY AND ST. LOUIS CITY. — The portion of Interstate 64 from Interstate 70 from the city of Wentzville in St. Charles County continuing east to Interstate 55 at the Missouri/Illinois state line in St. Louis City, except for those portions of Interstate 64/US40/US61 previously designated as of August 28, 2021, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

227.467. PURPLE HEART TRAIL DESIGNATION, SEGMENT OF HIGHWAY MAY BE ADDITIONALLY DESIGNATED AS MEMORIAL HIGHWAY. — Notwithstanding any provision of this chapter to the contrary, a highway's classification as a "Purple Heart Trail" shall not prevent a segment of such highway from being additionally designated as a memorial highway.

227.477. ARMY PFC CHRISTOPHER LEE MARION MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF U.S. BUSINESS 71 IN McDONALD COUNTY. — The portion of U.S. Business 71 from State Highway 76 West to State Highway EE in McDonald County shall be designated the "Army PFC Christopher Lee Marion Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.478. OTIS E MOORE MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF U.S. STATE HIGHWAY 160 IN GREENE COUNTY. — The portion of U.S. State Highway 160 from West BYP to County Road 115 in Greene County shall be designated the "Otis E Moore Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.486. ARMY SGT TIMOTHY J SUTTON MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 60 IN WEBSTER COUNTY. — The portion of U.S. State Highway 60 from CRD Mockingbird Road continuing east to State Highway PP in Webster County shall be designated as the "Army SGT Timothy J Sutton Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.488. U.S. ARMY SGT BRANDON MAGGART MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON U.S. HIGHWAY 63 IN ADAIR COUNTY. — The bridge on U.S. State Highway 63 crossing over Business 63 in Adair County shall be designated the "U.S. Army SGT Brandon Maggart Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid for by private donations.

227.489. U.S. ARMY PFC ADAM L THOMAS MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON U.S. HIGHWAY 63 IN MACON COUNTY. — The bridge on U.S. Highway 63 crossing over the BSNF Railroad/Marceline Sub in La Plata in Macon County shall be designated as the "U.S. Army PFC Adam L Thomas Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid for by private donations.

227.490. U.S. ARMY SFC MATTHEW C LEWELLEN MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON U.S. STATE HIGHWAY 63 IN ADAIR COUNTY. — The bridge on U.S. State Highway 63 crossing over Patterson Street in Adair County shall be designated as the "U.S. Army SFC Matthew C Lewellen Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid for by private donations.

227.495. U.S. ARMY SPECIALIST MICHAEL CAMPBELL MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 54 IN COLE COUNTY. — The portion of U.S. State Highway 54 from State Highway E to State Highway D in Cole County shall be designated as the "U.S. Army Specialist Michael Campbell Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.496. MEDAL OF HONOR PVT GEORGE PHILLIPS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY T IN FRANKLIN COUNTY. — The portion of State Highway T from .05 miles west of Laretto Ridge Drive to Decker Road in the town of Labadie in Franklin

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County shall be designated as "Medal of Honor PVT George Phillips Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by the department.

227.497. US ARMY SERGEANT HUGH C DUNN MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF U.S. STATE HIGHWAY 63 IN MACON COUNTY. — The portion of U.S. State Highway 63 from Spruce Street to McKay Street within the city of Macon in Macon County shall be designated as the "US Army Sergeant Hugh C Dunn Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.498. US NAVY SEAL SCOTTY WIRTZ MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF I-64 IN ST. CHARLES COUNTY. — The portion of Interstate 64 from Winghaven Boulevard to Prospect Road within the city of Lake St. Louis in St. Charles County shall be designated as "US Navy SEAL Scotty Wirtz Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.777. US NAVY FA PAUL AKERS JR MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON STATE HIGHWAY 17 IN PULASKI COUNTY. — The bridge on State Highway 17 crossing over the BSNF Railroad south of the city of Crocker in Pulaski County shall be designated as "US Navy FA Paul Akers Jr Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.780. PFC DALE RAYMOND JACKSON MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 163 IN BOONE COUNTY. — The portion of State Highway 163 from Stadium Boulevard/State Highway 740 continuing south to Mick Deaver Drive in Boone County shall be designated as "PFC Dale Raymond Jackson Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.781. CORPORAL STEVEN LEE IRVIN MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 163 IN BOONE COUNTY. — The portion of State Highway 163 from Mick Deaver Drive to Old Route K in Boone County shall be designated as "Corporal Steven Lee Irvin Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.782. CPL DANIEL JOSEPH HEIBEL MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 163 IN BOONE COUNTY. — The portion of State Highway 163 from Old Route K to Green Meadows Drive in Boone County shall be designated as "CPL Daniel Joseph Heibel Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.783. LCPL LARRY HAROLD COLEMAN MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 163 IN BOONE COUNTY. — The portion of State Highway 163 from Green Meadows Drive to Nifong in Boone County shall be designated as "LCPL Larry Harold Coleman Memorial Highway". The department of transportation shall erect and

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maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.784. VFW POST 2025 MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON U.S. STATE HIGHWAY 63 IN PHELPS COUNTY. — The bridge on U.S. State Highway 63 crossing over Beaver Creek in Phelps County shall be designated as "VFW Post 2025 Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.785. VETERANS MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON STATE HIGHWAY 21 IN RIPLEY COUNTY. — The bridge on State Highway 21 crossing over the Current River in Ripley County shall be designated as "Veterans Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.793. NATHANAEL GREENE HIGHWAY DESIGNATED FOR PORTION OF I-44 IN GREENE COUNTY. — The portion of Interstate 44 from State Highway 744/N. MulRoy Road continuing east to RA IS 44 Strafford/Greene County Line in Greene County shall be designated the "Nathanael Greene Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations.

301.020. APPLICATION FOR REGISTRATION OF MOTOR VEHICLES, CONTENTS — CERTAIN VEHICLES, SPECIAL PROVISIONS — PENALTY FOR FAILURE TO COMPLY — OPTIONAL BLINDNESS ASSISTANCE DONATION — DONATION TO ORGAN DONOR PROGRAM OR MISSOURI MEDAL OF HONOR RECIPIENTS FUND PERMITTED. — 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such

information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

9. An applicant for registration may make a donation of one dollar to the Missouri Medal of Honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri Medal of Honor recipients fund as established in Section 1 of this Act. Moneys in the Medal of Honor recipients fund shall be used solely for the purposes established in Section 1 of this Act, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

302.171. APPLICATION FOR LICENSE — FORM — CONTENT — EDUCATIONAL MATERIALS TO BE PROVIDED TO APPLICANTS UNDER TWENTY-ONE — VOLUNTARY CONTRIBUTION TO CERTAIN PROGRAMS AND FUND — DENIAL OF DRIVING PRIVILEGE, WHEN — EXEMPTION FROM REQUIREMENT TO PROVIDE PROOF OF RESIDENCY — ONE-YEAR RENEWAL, REQUIREMENTS. — 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2, **to promote a blindness education, screening and treatment program as prescribed in subsection 3, or the Missouri Medal of Honor recipients fund prescribed in subsection 4** of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than

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twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed with the United States Armed Forces, an application under this subsection shall be considered satisfactory by the department of revenue if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements set by the director.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304 except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ and tissue donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of his or her driver's license or identification card as prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol may be placed on the front of the license or identification card indicating the applicant's desire to be listed in the registry at the applicant's request at the time of his or her application for a driver's license or identification card, or the applicant may instead request an organ donor sticker from the department of health and senior services by application on the department of health and senior services' website. Upon receipt of an organ donor sticker sent by the department of health and senior services, the applicant shall place the sticker on the back of his or her driver's license or identification card to indicate that he or she has made an anatomical gift. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

4. **An applicant for registration may make a donation of one dollar to the Missouri Medal of Honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri Medal of Honor recipients fund as established in Section 1 of this Act. Moneys in the Medal of Honor recipients fund shall be used**

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solely for the purposes established in Section 1 of this Act, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

5. Beginning July 1, 2005, the director shall deny the driving privilege of any person who commits fraud or deception during the examination process or who makes application for an instruction permit, driver's license, or nondriver's license which contains or is substantiated with false or fraudulent information or documentation, or who knowingly conceals a material fact or otherwise commits a fraud in any such application. The period of denial shall be one year from the effective date of the denial notice sent by the director. The denial shall become effective ten days after the date the denial notice is mailed to the person. The notice shall be mailed to the person at the last known address shown on the person's driving record. The notice shall be deemed received three days after mailing unless returned by the postal authorities. No such individual shall reapply for a driver's examination, instruction permit, driver's license, or nondriver's license until the period of denial is completed. No individual who is denied the driving privilege under this section shall be eligible for a limited driving privilege issued under section 302.309.

[5.] 6. All appeals of denials under this section shall be made as required by section 302.311.

[6.] 7. The period of limitation for criminal prosecution under this section shall be extended under subdivision (1) of subsection 3 of section 556.036.

[7.] 8. The director may promulgate rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

[8.] 9. Notwithstanding any provision of this chapter that requires an applicant to provide proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who was previously issued a Missouri noncommercial driver's license, noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

[9.] 10. Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department of revenue, including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

[10.] 11. Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 8 of this section and does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status, the department may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of Missouri residency, United States naturalization, or lawful immigration status.

SECTION 1. FUND CREATED, DONATIONS, USE OF MONEYS TO PAY FOR RENEWAL FEE AND MAINTENANCE OF SIGNS FOR MEMORIAL BRIDGES OR HIGHWAYS DESIGNATED FOR MEDAL OF HONOR RECIPIENTS. — 1. There is hereby created in the state treasury the "Missouri Medal of Honor Recipients Fund". The fund shall consist of moneys donated pursuant to sections 301.020, 302.171, and 143.1032. All monies shall be received by the department of revenue and

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either upon request or, at a minimum, on a monthly basis be transferred to the department of transportation. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080 to the contrary notwithstanding. Moneys in the fund shall be used to pay any renewal fee for a memorial bridge or memorial highway signs for Missouri Medal of Honor recipients, and for the maintenance and repair of all such signs whether originally paid for by private donations or by the department of transportation.

2. The department of revenue shall provide notification by way of memorandum, to the department of transportation informing the department of transportation of the payment transfer to the credit of the State Road fund, with the memorandum indicating the payment amount, payment date, payment account number, and the names or names of the Missouri Medal of Honor recipient or recipients for which the payment is made.

Approved July 6, 2021

SS#2 SCS SB 262

Enacts provisions relating to transportation, with penalty provisions.

AN ACT to repeal sections 142.803, 142.824, 142.869, 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556, RSMo, and to enact in lieu thereof eleven new sections relating to transportation, with penalty provisions.

SECTION

- A Enacting clause.
- 142.803 Imposition of tax on fuel, amount — collection and precollection of tax — additional tax, when, amount.
- 142.822 Exemption from certain fuel tax increases, when — tax refund, procedure to claim — recordkeeping — interest, when — rulemaking authority.
- 142.824 Refund claim, statement to director, when filed, contents — lost documentation — investigation by director — credit in lieu of refund — records required to be kept — overpayment of tax — erroneous payments of tax — interest paid on refund — rulemaking authority.
- 142.869 Alternative fuel decal fee in lieu of tax — increase, when — decal — penalty.
- 142.1000 Task force created, members, duties, meetings — written report, when — expiration date.
- 301.192 Bonded vehicles, certificate of ownership may be issued, requirements — bond, release of, when.
- 301.280 Dealers and garage keepers, sales report required — unclaimed vehicle report required, contents — alteration of vehicle identification number, effect — false statement, penalty.
- 302.755 Violations, disqualification from driving, duration, penalties — reapplication procedure.
- 407.526 Odometer fraud, third degree, penalty.
- 407.536 Odometer mileage to be shown on title, when — incorrect mileage on odometer, procedure — duties of director of revenue — falsifying odometer reading, penalty — liens on motor vehicle, release of, statement not required — power of attorney, when.

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407.556 Dealer or manufacturer in violation subject to revocation or suspension of licenses — laws not applicable to certain motor vehicles.

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

SECTION A. ENACTING CLAUSE. — Sections 142.803, 142.824, 142.869, 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 142.803, 142.822, 142.824, 142.869, 142.1000, 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556, to read as follows:

142.803. IMPOSITION OF TAX ON FUEL, AMOUNT — COLLECTION AND PRECOLLECTION OF TAX — ADDITIONAL TAX, WHEN, AMOUNT. — 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

- (1) Motor fuel, seventeen cents per gallon;
- (2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;
- (3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;
- (4) Compressed natural gas fuel, five cents per gasoline gallon equivalent until December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per gasoline gallon equivalent thereafter. The gasoline gallon equivalent and method of sale for compressed natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the gasoline gallon equivalent and method of sale for compressed natural gas shall be equal to five and sixty-six-hundredths pounds of compressed natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on compressed natural gas, including but not limited to licensing, reporting, penalties, and interest;
- (5) Liquefied natural gas fuel, five cents per diesel gallon equivalent until December 31, 2019, eleven cents per diesel gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per diesel gallon equivalent thereafter. The diesel gallon equivalent and method of sale for liquefied natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the diesel gallon equivalent and method of sale for liquefied natural gas shall be equal to six and six-hundredths pounds of liquefied natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on liquefied natural gas, including but not limited to licensing, reporting, penalties, and interest;
- (6) Propane gas fuel, five cents per gallon until December 31, 2019, eleven cents per gallon from January 1, 2020, until December 31, 2024, and then seventeen cents per gallon thereafter. All applicable provisions contained in this chapter governing administration, collection, and enforcement of the state motor fuel tax shall apply to the tax imposed on propane gas including, but not limited to, licensing, reporting, penalties, and interest;
- (7) If a natural gas, compressed natural gas, liquefied natural gas, electric, or propane connection is used for fueling motor vehicles and for another use, such as heating, the tax imposed by this section

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shall apply to the entire amount of natural gas, compressed natural gas, liquefied natural gas, electricity, or propane used unless an approved separate metering and accounting system is in place.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax.

3. In addition to any tax collected under subdivision (1) of subsection 1 of this section, the following tax is levied and imposed on all motor fuel used or consumed in this state, subject to the exemption on tax liability set forth in section 142.822: from October 1, 2021, to June 30, 2022, two and a half cents per gallon; from July 1, 2022, to June 30, 2023, five cents per gallon; from July 1, 2023, to June 30, 2024, seven and a half cents per gallon; from July 1, 2024, to June 30, 2025, ten cents per gallon; and on and after July 1, 2025, twelve and a half cents per gallon.

142.822. EXEMPTION FROM CERTAIN FUEL TAX INCREASES, WHEN — TAX REFUND, PROCEDURE TO CLAIM — RECORDKEEPING — INTEREST, WHEN — RULEMAKING AUTHORITY. — 1. Motor fuel used for purposes of propelling motor vehicles on highways shall be exempt from the fuel tax collected under subsection 3 of section 142.803, and an exemption and refund may be claimed by the taxpayer if the tax has been paid and no refund has been previously issued, provided that the taxpayer applies for the exemption and refund as specified in this section. The exemption and refund shall be issued on a fiscal year basis to each person who pays the fuel tax collected under subsection 3 of section 142.803 and who claims an exemption and refund in accordance with this section, and shall apply so that the fuel taxpayer has no liability for the tax collected in that fiscal year under subsection 3 of section 142.803.

2. To claim an exemption and refund in accordance with this section, a person shall present to the director a statement containing a written verification that the claim is made under penalty of perjury and that states the total fuel tax paid in the applicable fiscal year for each vehicle for which the exemption and refund is claimed. The claim shall not be transferred or assigned, and shall be filed on or after July first, but not later than September thirtieth, following the fiscal year for which the exemption and refund is claimed. The claim statement may be submitted electronically, and shall at a minimum include the following information:

- (1) Vehicle identification number of the motor vehicle into which the motor fuel was delivered;
- (2) Date of sale;
- (3) Name and address of purchaser;
- (4) Name and address of seller;
- (5) Number of gallons purchased; and
- (6) Number of gallons purchased and charged Missouri fuel tax, as a separate item.

3. Every person shall maintain and keep records supporting the claim statement filed with the department of revenue for a period of three years to substantiate all claims for exemption and refund of the motor fuel tax, together with invoices, original sales receipts marked paid by the seller, bills of lading, and other pertinent records and paper as may be required by the director for reasonable administration of this chapter.

4. The director may make any investigation necessary before issuing an exemption and refund under this section, and may investigate an exemption and refund under this section after it has been issued and within the time frame for making adjustments to the tax pursuant to this chapter.

5. If an exemption and refund is not issued within forty-five days of an accurate and complete filing, as required by this chapter, the director shall pay interest at the rate provided in section

32.065 accruing after the expiration of the forty-five-day period until the date the exemption and refund is issued.

6. The exemption and refund specified in this section shall be available only with regard to motor fuel delivered into a motor vehicle with a gross weight, as defined in section 301.010, of twenty-six thousand pounds or less.

7. The director shall promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

142.824. REFUND CLAIM, STATEMENT TO DIRECTOR, WHEN FILED, CONTENTS — LOST DOCUMENTATION — INVESTIGATION BY DIRECTOR — CREDIT IN LIEU OF REFUND — RECORDS REQUIRED TO BE KEPT — OVERPAYMENT OF TAX — ERRONEOUS PAYMENTS OF TAX — INTEREST PAID ON REFUND — RULEMAKING AUTHORITY. — 1. To claim a refund in accordance with section 142.815, a person shall present to the director a statement containing a written verification that the claim is made under penalties of perjury and lists the total amount of motor fuel purchased and used for exempt purposes. The claim shall not be transferred or assigned and shall be filed not more than three years after the date the motor fuel was imported, removed or sold if the claimant is a supplier, importer, exporter or distributor. If the claim is filed by the ultimate consumer, a consumer must file the claim within one year of the date of purchase or April fifteenth following the year of purchase, whichever is later. The claim statement **may be submitted electronically, and** shall be supported by [the original sales slip, invoice or other] documentation as approved by the director and shall include the following information:

- (1) Date of sale;
- (2) Name and address of purchaser;
- (3) Name and address of seller;
- (4) Number of gallons purchased and base price per gallon;
- (5) Number of gallons purchased and charged Missouri fuel tax, as a separate item; **and**
- (6) Number of gallons purchased and charged sales tax, if applicable, as a separate item[;
- (7) Marked paid by the seller].

2. If the original sales slip or invoice is lost or destroyed, a statement to that effect shall accompany the claim for refund, and the claim statement shall also set forth the serial number of the invoice. If the director finds the claim is otherwise regular, the director may allow such claim for refund.

3. The director may make any investigation necessary before refunding the motor fuel tax to a person and may investigate a refund after the refund has been issued and within the time frame for making adjustments to the tax pursuant to this chapter.

4. In any case where a refund would be payable to a supplier pursuant to this chapter, the supplier may claim a credit in lieu of such refund for a period not to exceed three years.

5. Every person shall maintain and keep for a period of three years records to substantiate all claims for refund of the motor fuel tax, together with invoices, **original sales slips marked paid by the seller**, bills of lading, and other pertinent records and paper as may be required by the director for reasonable administration of this chapter.

6. Motor fuel tax that has been paid more than once with respect to the same gallon of motor fuel shall be refunded by the director to the person who last paid the tax after the subsequent taxable event upon submitting proof satisfactory to the director.

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7. Motor fuel tax that has otherwise been erroneously paid by a person shall be refunded by the director upon proof shown satisfactory to the director.

8. [If a refund is not issued within ninety days of an accurate and complete filing, as required by this chapter, the director shall pay interest at the rate set out in section 32.065 accruing after the expiration of the ninety-day period until the date the refund is issued. After December 31, 2000,] If a refund is not issued within [thirty] **forty-five** days of an accurate and complete filing, as required by this chapter, the director shall pay interest at the rate provided in section 32.065 accruing after the expiration of the [thirty-day] **forty-five-day** period until the date the refund is issued.

9. **The director shall promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.**

142.869. ALTERNATIVE FUEL DECAL FEE IN LIEU OF TAX — INCREASE, WHEN — DECAL — PENALTY. — 1. The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section, provided that sales made to alternative fueled vehicles powered by propane, compressed natural gas, or liquefied natural gas that do not meet the requirements of subsection 3 of this section shall be taxed exclusively pursuant to subdivisions (4) to (7) of subsection 1 of section 142.803, respectively. The owners or operators of such motor vehicles, except plug-in electric hybrids, shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; one hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. Owners or operators of plug-in electric hybrids shall pay one-half of the stated annual alternative fuel decal fee. Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section. For the purposes of this section, a plug-in electric hybrid shall be any hybrid vehicle made by a manufacturer with a model year of 2018 or newer, that has not been modified from the original manufacturer specifications, with an internal combustion engine and batteries that can be recharged by connecting a plug to an electric power source.

2. **Beginning January 1, 2022, the fees in subsection 1 of this section shall be increased by twenty percent of the fee in effect on August 28, 2021, per year for a period of five years, except that the fee for motor vehicles with a licensed gross vehicle weight in excess of thirty-six thousand**

pounds shall be increased by ten percent of the fee in effect on August 28, 2021, per year for a period of five years.

3. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel other than propane, compressed natural gas, and liquefied natural gas, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

[3.] 4. Owners or operators of passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by compressed natural gas or liquefied natural gas who have installed a compressed natural gas fueling station or liquefied natural gas fueling station used solely to fuel the motor vehicles they own or operate as of December 31, 2015, may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivisions (4) and (5) of subsection 1 of section 142.803. Owners or operators of compressed natural gas fueling stations or liquefied natural gas fueling stations whose vehicles bear an alternative fuel decal shall be prohibited from selling or providing compressed natural gas or liquefied natural gas to any motor vehicle they do not own or operate. Owners or operators of motor vehicles powered by compressed natural gas or liquefied natural gas bearing an alternative fuel decal after January 1, 2016, that decline to renew the alternative fuel decals for such motor vehicles shall no longer be eligible to apply for and use alternative fuel decals under this subsection. Any compressed natural gas or liquefied natural gas obtained at any fueling station not owned by the owner or operator of the motor vehicle bearing an alternative fuel decal shall be subject to the tax under subdivisions (4) and (5) of subsection 1 of section 142.803.

[4.] 5. An owner or operator of a motor vehicle powered by propane may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivision (6) of subsection 1 of section 142.803. If the appropriate motor fuel tax under subdivision (6) of subsection 1 of section 142.803 is collected at the time of fueling, an operator of a propane fueling station that uses quick-connect fueling nozzles may sell propane as a motor fuel without verifying the application of a valid Missouri alternative fuel decal. If an owner or operator of a motor vehicle powered by propane that bears an alternative fuel decal refuels at an unattended propane refueling station, such owner or operator shall not be eligible for a refund of the motor fuel tax paid at such refueling.

[5.] 6. The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year. This subsection shall not apply to an owner or operator of a motor vehicle powered by propane who fuels such vehicle exclusively at unattended fueling stations that collect the motor fuel tax.

[6.] 7. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

[7.] **8.** The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas or natural gas equipment is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

[8.] **9.** It shall be unlawful for any person to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal unless the motor vehicle is exclusively fueled at propane, compressed natural gas, or liquefied natural gas fueling stations that collect the motor fuel tax.

[9.] **10.** No person shall cause to be put, or put, any alternative fuel into the fuel supply receptacle or battery of a motor vehicle required to have an alternative fuel decal unless the motor vehicle either has a valid decal attached to it or the appropriate motor fuel tax is collected at the time of such fueling.

[10.] **11.** Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

[11.] **12.** Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter.

142.1000. TASK FORCE CREATED, MEMBERS, DUTIES, MEETINGS — WRITTEN REPORT, WHEN — EXPIRATION DATE. — 1. There is hereby created within the department of revenue the "Electric Vehicle Task Force" to consist of the following members:

- (1) The director of the department of revenue, or his or her designee, who shall serve as chair;**
- (2) The chairman of the public service commission, or his or her designee, who shall serve as vice chair;**
- (3) The director of the department of transportation, or his or her designee;**
- (4) One member of the senate committee with jurisdiction over transportation matters, to be appointed by the president pro tempore of the senate;**
- (5) One member of the house of representatives committee with jurisdiction over transportation matters, to be appointed by the speaker of the house of representatives;**
- (6) One member of the senate committee with jurisdiction over transportation matters, to be appointed by the minority floor leader of the senate;**
- (7) One member of the house of representatives committee with jurisdiction over transportation matters, to be appointed by the minority floor leader of the house of representatives;**
- (8) One representative of the trucking or heavy vehicle industry, to be appointed by the president pro tempore of the senate;**
- (9) One representative of electric vehicle manufacturers or dealers, to be appointed by the speaker of the house of representatives;**
- (10) One representative of conventional motor vehicle manufacturers or dealers, to be appointed by the president pro tempore of the senate;**
- (11) One representative of the petroleum industry or convenience stores, to be appointed by the speaker of the house of representatives;**
- (12) One representative of electric vehicle charging station manufacturers or operators, to be appointed by the president pro tempore of the senate; and**
- (13) One representative of electric utilities, to be appointed by the speaker of the house of representatives.**

2. The task force shall analyze the following in the context of transportation funding, and make recommendations as to any actions the state should take to fund transportation infrastructure in anticipation of more widespread adoption of electric vehicles:

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- (1) Removal or mitigation of barriers to electric vehicle charging, including strategies, such as time-of-use rates, to reduce operating costs for current and future electric vehicle owners without shifting costs to electric ratepayers who do not own or operate electric vehicles;
 - (2) Strategies for managing the impact of electric vehicles on, and services provided for electric vehicles by, the electricity transmission and distribution system;
 - (3) Electric system benefits and costs of electric vehicle charging, electric utility planning for electric vehicle charging, and rate design for electric vehicle charging;
 - (4) The appropriate role of electric utilities with regard to the deployment and operation of electric vehicle charging systems;
 - (5) How and on what terms, including quantity, pricing, and time of day, charging stations owned or operated by entities other than electric utilities will obtain electricity to provide to electric vehicles;
 - (6) What safety standards should apply to the charging of electric vehicles;
 - (7) The recommended scope of the jurisdiction of the public service commission, the department of revenue, and other state agencies over charging stations owned or operated by entities other than electric utilities;
 - (8) Whether charging stations owned or operated by entities other than electric utilities will be free to set the rates or prices at which they provide electricity to electric vehicles, and any other issues relevant to the appropriate oversight of the rates and prices charged by such stations, including transparency to the consumer of those rates and prices; and
 - (9) The recommended billing and complaint procedures for charging stations;
 - (10) Options to address how electric vehicle users pay toward the cost of maintaining the state's transportation infrastructure, including methods to assess the impact of electric vehicles on that infrastructure and how to calculate a charge based on that impact, the potential assessment of a charge to electric vehicles as a rate per kilowatt hour delivered to an electric vehicle, varying such per-kilowatt-hour charge by size and type of electric vehicle, and phasing in such per-kilowatt-hour charge;
 - (11) The accuracy of electric metering and submetering technology for charging electric vehicles;
 - (12) Strategies to encourage electric vehicle usage without shifting costs to electric ratepayers who do not own or charge electric vehicles; and
 - (13) Any other issues the task force considers relevant.
3. The department of revenue shall provide such research, clerical, technical, and other services as the task force may require in the performance of its duties.
 4. The task force may hold public meetings at which it may invite testimony from experts, or it may solicit information from any party it deems may have information relevant to its duties under this section.
 5. No later than December 31, 2022, the task force shall provide to the general assembly and the governor a written report detailing its findings and recommendations, including identifying any recommendations that may require enabling legislation.
 6. Members shall serve on the task force without compensation, but may, at the discretion of the director of the department of revenue, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.
 7. The task force shall expire on December 31, 2022.

301.192. BONDED VEHICLES, CERTIFICATE OF OWNERSHIP MAY BE ISSUED, REQUIREMENTS — BOND, RELEASE OF, WHEN. — 1. In addition to any other requirements of section 301.190, when application is made for a certificate of ownership for a motor vehicle or trailer seven years old or older and the value of vehicle does not exceed three thousand dollars, for which no

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record of any prior application for a certificate of ownership exists in the records of the director of revenue or for which the records of the director of revenue reflect incomplete or conflicting documentation of ownership, the director of revenue may issue a certificate of ownership, not less than thirty days after receiving the completed application, provided it is accompanied by:

- (1) An affidavit explaining how the motor vehicle or trailer was acquired and the reasons a valid certificate of ownership cannot be furnished;
- (2) Presentation of all evidence of ownership in the applicant's possession;
- (3) Title verification from a state in which the vehicle was previously titled or registered if known, provided the vehicle was so previously titled or registered;
- (4) A notarized lien release from any lienholder of record;
- (5) A vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of the vehicle's identification number and a determination that the vehicle has not been reported stolen in Missouri or any other state. The fee for the vehicle examination certificate shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application;
- (6) A statement certifying the odometer reading of the motor vehicle if less than [ten] **twenty** years of age; and
- (7) A surety bond or a suitable financial security instrument in a form prescribed by the director of revenue and executed by the applicant and a person authorized to conduct surety business in this state. The bond shall be an amount equal to two times the value of the vehicle as determined by the Kelly Blue Book, NADA Used Car Guide or two appraisals from a licensed motor vehicle dealer. The bond shall be for a minimum of one hundred dollars and conditioned to indemnify any prior owner or lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage including reasonable attorneys fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years, unless the department has been notified of the pendency of an action to recover on the bond.

2. Upon satisfaction with the genuineness of the application and supporting documents, the director of revenue shall issue a new certificate of ownership. The certificate of ownership shall appropriately be designated with the words "BONDED VEHICLE".

301.280. DEALERS AND GARAGE KEEPERS, SALES REPORT REQUIRED — UNCLAIMED VEHICLE REPORT REQUIRED, CONTENTS — ALTERATION OF VEHICLE IDENTIFICATION NUMBER, EFFECT — FALSE STATEMENT, PENALTY. — 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection 10 of section 144.070 shall also include the amount of state and local sales tax collected for each motor vehicle sold if sales tax was due. The odometer reading is not required when reporting the sale of any motor vehicle that is [ten] **twenty** years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement

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of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all temporary permits shall be recorded in the appropriate space on the dealer's monthly sales report, unless the sale of the temporary permit is already recorded by electronic means as determined by the department. The monthly sales report shall include a statement of motor vehicles or trailers sold during the month under subsection 5 of section 301.210. The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for inspection by appropriate law enforcement officials and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director.

2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the person delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for five years and be open for inspection by law enforcement officials, members or authorized or designated employees of the Missouri highway patrol, and persons, agencies and officials designated by the director of revenue.

3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing.

4. The director of revenue shall maintain appropriately indexed cumulative records of unclaimed vehicles reported to the director. Such records shall be kept open to public inspection during reasonable business hours.

5. The alteration or obliteration of the vehicle identification number on any such motor vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified.

6. Any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the department of revenue, as described in subsection 1 of this section, shall be deemed guilty of a class A misdemeanor.

302.755. VIOLATIONS, DISQUALIFICATION FROM DRIVING, DURATION, PENALTIES — REAPPLICATION PROCEDURE. — 1. A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

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- (1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;
 - (2) Driving a commercial motor vehicle which causes a fatality through the negligent operation of the commercial motor vehicle, including but not limited to the offenses of vehicular manslaughter, homicide by motor vehicle, and negligent homicide;
 - (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;
 - (4) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person;
 - (5) Using a commercial or noncommercial motor vehicle in the commission of any felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.
2. If any of the violations described in subsection 1 of this section occur while transporting a hazardous material the person is disqualified for a period of not less than three years.
 3. Any person is disqualified from operating a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection 1 of this section, or any combination of those offenses, arising from two or more separate incidents. The director may issue rules and regulations, in accordance with guidelines established by the Secretary, under which a disqualification for life under this section may be reduced to a period of not less than ten years.
 4. Any person is disqualified from driving a commercial motor vehicle for life who uses a commercial or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.
 5. Any person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, arising from separate incidents occurring within a three-year period.
 6. Any person found to be operating a commercial motor vehicle while having any measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour out-of-service order by a law enforcement officer in this state.
 7. Any person who is convicted of operating a commercial motor vehicle beginning at the time of issuance of the out-of-service order until its expiration is guilty of a class A misdemeanor.
 8. Any person convicted for the first time of driving while out of service shall be disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR 383, or as amended by the Secretary.
 9. Any person convicted of driving while out of service on a second occasion during any ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in 49 CFR 383, or as amended by the Secretary.
 10. Any person convicted of driving while out of service on a third or subsequent occasion during any ten-year period, involving separate incidents, shall be disqualified for a period of three years.
 11. Any person convicted of a first violation of an out-of-service order while transporting hazardous materials or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, is disqualified for a period of one hundred eighty days.
 12. Any person convicted of any subsequent violation of an out-of-service order in a separate incident within ten years after a previous violation, while transporting hazardous materials or while operating a motor vehicle designed to transport fifteen passengers, including the driver, is disqualified for a period of three years.
 13. Any person convicted of any other offense as specified by regulations promulgated by the Secretary of Transportation shall be disqualified in accordance with such regulations.
 14. After suspending, revoking, cancelling, or disqualifying a driver, the director shall update records to reflect such action and notify a nonresident's licensing authority and the commercial driver's

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license information system within ten days in the manner prescribed in 49 CFR 384, or as amended by the Secretary.

15. Any person disqualified from operating a commercial motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license cancelled, and upon conclusion of the period of disqualification shall take the written and driving tests and meet all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation shall not be withdrawn by the director until such person reapplies for a commercial driver's license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

16. The director shall disqualify a driver upon receipt of notification that the Secretary has determined a driver to be an imminent hazard pursuant to 49 CFR 383.52. Due process of a disqualification determined by the Secretary pursuant to this section shall be held in accordance with regulations promulgated by the Secretary. The period of disqualification determined by the Secretary pursuant to this section shall be served concurrently to any other period of disqualification which may be imposed by the director pursuant to this section. Both disqualifications shall appear on the driving record of the driver.

17. The director shall disqualify a commercial license holder or operator of a commercial motor vehicle from operation of any commercial motor vehicle upon receipt of a conviction for an offense of failure to appear or pay, and such disqualification shall remain in effect until the director receives notice that the person has complied with the requirement to appear or pay.

18. The disqualification period must be in addition to any other previous periods of disqualification in the manner prescribed in 49 CFR 383, or as amended by the Secretary, except when the major or serious violations are a result of the same incident.

19. Any person is disqualified from driving a commercial motor vehicle for life for being convicted of using a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined in U.S.C. 7102(11). A disqualification for life under this subsection shall not be reduced.

407.526. ODOMETER FRAUD, THIRD DEGREE, PENALTY. — 1. A person commits the crime of odometer fraud in the third degree if, with the intent to defraud, he operates a motor vehicle less than [ten] **twenty** years old on any street or highway knowing that the odometer of the motor vehicle is disconnected or not functioning.

2. Odometer fraud in the third degree is a class C misdemeanor.

407.536. ODOMETER MILEAGE TO BE SHOWN ON TITLE, WHEN — INCORRECT MILEAGE ON ODOMETER, PROCEDURE — DUTIES OF DIRECTOR OF REVENUE — FALSIFYING ODOMETER READING, PENALTY — LIENS ON MOTOR VEHICLE, RELEASE OF, STATEMENT NOT REQUIRED — POWER OF ATTORNEY, WHEN. — 1. Any person transferring ownership of a motor vehicle previously titled in this or any other state shall do so by assignment of title and shall place the mileage registered on the odometer at the time of transfer above the signature of the transferor. The signature of the transferor below the mileage shall constitute an odometer mileage statement. The transferee shall sign such odometer mileage statement before an application for certificate of ownership may be made. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, a statement from the transferor shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That statement shall become a part of the permanent record of the motor vehicle with the Missouri department of revenue. The department of revenue shall place on all new titles issued after September 28, 1977, a box titled "mileage at the time of transfer".

2. Any person transferring the ownership of a motor vehicle previously untitled in this or any other state to another person shall give an odometer mileage statement to the transferee. The statement shall

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include above the signature of the transferor and transferee the cumulative mileage registered on the odometer at the time of transfer. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, a statement from the transferor shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That statement shall become a permanent part of the records of the Missouri department of revenue.

3. If, upon receiving an application for registration or for a certificate of ownership of a motor vehicle, the director of revenue has credible evidence that the odometer reading provided by a transferor is materially inaccurate, he may place an asterisk on the face of the title document issued by the Missouri department of revenue, provided that the process required thereby does not interfere with his obligations under subdivision (2) of subsection 3 of section 301.190. The asterisk shall refer to a statement on the face and at the bottom of the title document which shall read as follows: "This may not be the true and accurate mileage of this motor vehicle. Consult the documents on file with the Missouri department of revenue for an explanation of the inaccuracy.". Nothing in this section shall prevent any person from challenging the determination by the director of revenue in the circuit courts of the state of Missouri. The burden of proof shall be on the director of the department of revenue in all such proceedings.

4. The mileage disclosed by the odometer mileage statement for a new or used motor vehicle as described in subsections 1 and 2 of this section shall be placed by the transferor on any title or document evidencing ownership. Additional statements shall be placed on the title document as follows:

(1) If the transferor states that to the best of his knowledge the mileage disclosed is the actual mileage of the motor vehicle, an asterisk shall follow the mileage on the face of the title or document of ownership issued by the Missouri department of revenue. The asterisk shall reference to a statement on the face and bottom of the title document which shall read as follows: "Actual Mileage";

(2) Where the transferor has submitted an explanation why this mileage is incorrect, an asterisk shall follow the mileage on the face of the title or document of ownership issued by the Missouri department of revenue. The asterisk shall reference to a statement on the face and at the bottom of the title document which shall read as follows: "This is not the true and accurate mileage of this motor vehicle. Consult the documents on file with the Missouri department of revenue for an explanation of the inaccuracy.". Further wording shall be included as follows:

(a) If the transferor states that the odometer reflects the amount of mileage in excess of the designed mechanical odometer limit, the above statement on the face of the title document shall be followed by the words: "Mileage exceeds the mechanical limits";

(b) If the transferor states that the odometer reading differs from the mileage and that the difference is greater than that caused by odometer calibration error and the odometer reading does not reflect the actual mileage and should not be relied upon, the above statement on the face of the title document shall be preceded by the words: "Warning Odometer Discrepancy".

5. The department of revenue shall notify all motor vehicle ownership transferees of the civil and criminal penalties involving odometer fraud.

6. Any person defacing or obscuring or otherwise falsifying any odometer reading on any document required by this section shall be guilty of a class E felony.

7. The granting or creation of a security interest or lien shall not be considered a change of ownership for the purpose of this section, and the grantor of such lien or security interest shall not be required to make an odometer mileage statement. The release of a lien by a mortgage holder shall not be considered a change of ownership of the motor vehicle for the purposes of this section. The mortgage holder or lienholder shall not be required to make an odometer disclosure statement or state the current odometer setting at the time of the release of the lien where there is no change of ownership.

8. For the purposes of the mileage disclosure requirements of this section, if a certificate of ownership is held by a lienholder, if the transferor makes application for a duplicate certificate of

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ownership, or as otherwise provided in the federal Motor Vehicle Information and Cost Savings Act and related federal regulations, the transferor may execute a written power of attorney authorizing a transfer of ownership. The person granted such power of attorney shall restate exactly on the assignment of title the actual mileage disclosed at the time of transfer. The power of attorney shall accompany the certificate of ownership and the original power of attorney and a copy of the certificate of ownership shall be returned to the issuing state in the manner prescribed by the director of revenue, unless otherwise provided by federal law, rule or regulation. The department of revenue may prescribe a secure document for use in executing a written power of attorney, **and may allow electronic signatures on such document**. The department shall collect a fee for each form issued, not to exceed the cost of procuring the form.

407.556. DEALER OR MANUFACTURER IN VIOLATION SUBJECT TO REVOCATION OR SUSPENSION OF LICENSES — LAWS NOT APPLICABLE TO CERTAIN MOTOR VEHICLES. — 1. A violation of the provisions of sections 407.511 to 407.556 by any person licensed or registered as a manufacturer or dealer pursuant to the provisions of chapter 301, shall be considered a violation of the provisions of that chapter, subjecting that person to revocation or suspension of any license issued pursuant to the provisions of that chapter.

2. The provisions of sections 407.511 to 407.556 do not apply to the following motor vehicles:

- (1) Any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds;
- (2) Any motor vehicle that is [ten] **twenty** years old or older;
- (3) Any motor vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications; or
- (4) Any new vehicle prior to its first transfer for purposes other than resale.

Approved July 13, 2021

CCS HCS SB 303

Enacts provisions relating to workers' compensation.

AN ACT to repeal sections 287.170, 287.180, 287.220, 287.280, 287.480, and 287.715, RSMo, and to enact in lieu thereof six new sections relating to workers' compensation.

SECTION

- A Enacting clause.
- 287.170 Temporary total disability, amount to be paid — method of payment — disqualification, when — post injury misconduct defined — benefits not payable, when.
- 287.180 Temporary partial disability, amount to be paid — method of payment.
- 287.220 Compensation and payment of compensation for disability — second injury fund created, services covered, actuarial studies required — failure of employer to insure, penalty — records open to public, when — concurrent employers, effect — priority of payment of liabilities of fund, exceptions.
- 287.280 Employer's entire liability to be covered, self-insurer or approved carrier — exception — group of employers may qualify as self-insurers, requirements — rules — confidential records.
- 287.480 Application for review, time limit — when deemed filed — bond required, when.
- 287.715 Annual surcharge required for second injury fund, amount, how computed, collection — violation, penalty — supplemental surcharge, amount.

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

SECTION A. ENACTING CLAUSE. — Sections 287.170, 287.180, 287.220, 287.280, 287.480, and 287.715, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 287.170, 287.180, 287.220, 287.280, 287.480, and 287.715, to read as follows:

287.170. TEMPORARY TOTAL DISABILITY, AMOUNT TO BE PAID — METHOD OF PAYMENT — DISQUALIFICATION, WHEN — POST INJURY MISCONDUCT DEFINED — BENEFITS NOT PAYABLE, WHEN. — 1. For temporary total disability the employer shall pay compensation for not more than four hundred weeks during the continuance of such disability at the weekly rate of compensation in effect under this section on the date of the injury for which compensation is being made. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(5) For all injuries occurring on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week.

2. Temporary total disability payments shall be made to the claimant by check or other negotiable [instruments approved by the director which will not result in delay in payment] **instrument, or by electronic transfer or other manner authorized by the claimant**, and shall be forwarded directly to the claimant without intervention, or, when requested, to claimant's attorney if represented, except as provided in section 454.517, by any other party except by order of the division of workers' compensation.

3. An employee is disqualified from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation.

4. If the employee is terminated from post-injury employment based upon the employee's post-injury misconduct, neither temporary total disability nor temporary partial disability benefits under this section or section 287.180 are payable. As used in this section, the phrase "post-injury misconduct"

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shall not include absence from the workplace due to an injury unless the employee is capable of working with restrictions, as certified by a physician.

5. If an employee voluntarily separates from employment with an employer at a time when the employer had work available for the employee that was in compliance with any medical restriction imposed upon the employee within a reasonable degree of medical certainty as a result of the injury that is the subject of a claim for benefits under this chapter, neither temporary total disability nor temporary partial disability benefits available under this section or section 287.180 shall be payable.

287.180. TEMPORARY PARTIAL DISABILITY, AMOUNT TO BE PAID — METHOD OF PAYMENT. — 1. For temporary partial disability, compensation shall be paid during such disability but not for more than one hundred weeks, and shall be sixty-six and two-thirds percent of the difference between the average earnings prior to the accident and the amount which the employee, in the exercise of reasonable diligence, will be able to earn during the disability, to be determined in view of the nature and extent of the injury and the ability of the employee to compete in an open labor market. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wages are determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage.

2. Temporary partial disability payments shall be made to the claimant by check, or other negotiable instrument [approved by the director which will not result in delay in payment], **or by electronic transfer or other manner authorized by the claimant.**

287.220. COMPENSATION AND PAYMENT OF COMPENSATION FOR DISABILITY — SECOND INJURY FUND CREATED, SERVICES COVERED, ACTUARIAL STUDIES REQUIRED — FAILURE OF EMPLOYER TO INSURE, PENALTY — RECORDS OPEN TO PUBLIC, WHEN — CONCURRENT EMPLOYERS, EFFECT — PRIORITY OF PAYMENT OF LIABILITIES OF FUND, EXCEPTIONS. — 1. There is hereby created in the state treasury a special fund to be known as the "Second Injury Fund" created exclusively for the purposes as in this section provided and for special weekly benefits in rehabilitation cases as provided in section 287.141. Maintenance of the second injury fund shall be as provided by section 287.710. The state treasurer shall be the custodian of the second injury fund which shall be deposited the same as are state funds and any interest accruing thereon shall be added thereto.

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The fund shall be subject to audit the same as state funds and accounts and shall be protected by the general bond given by the state treasurer. Upon the requisition of the director of the division of workers' compensation, warrants on the state treasurer for the payment of all amounts payable for compensation and benefits out of the second injury fund shall be issued.

2. All cases of permanent disability where there has been previous disability due to injuries occurring prior to January 1, 2014, shall be compensated as provided in this subsection. Compensation shall be computed on the basis of the average earnings at the time of the last injury. If any employee who has a preexisting permanent partial disability whether from compensable injury or otherwise, of such seriousness as to constitute a hindrance or obstacle to employment or to obtaining reemployment if the employee becomes unemployed, and the preexisting permanent partial disability, if a body as a whole injury, equals a minimum of fifty weeks of compensation or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, according to the medical standards that are used in determining such compensation, receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree or percentage of disability, in an amount equal to a minimum of fifty weeks compensation, if a body as a whole injury or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, caused by the combined disabilities is substantially greater than that which would have resulted from the last injury, considered alone and of itself, and if the employee is entitled to receive compensation on the basis of the combined disabilities, the employer at the time of the last injury shall be liable only for the degree or percentage of disability which would have resulted from the last injury had there been no preexisting disability. After the compensation liability of the employer for the last injury, considered alone, has been determined by an administrative law judge or the commission, the degree or percentage of employee's disability that is attributable to all injuries or conditions existing at the time the last injury was sustained shall then be determined by that administrative law judge or by the commission and the degree or percentage of disability which existed prior to the last injury plus the disability resulting from the last injury, if any, considered alone, shall be deducted from the combined disability, and compensation for the balance, if any, shall be paid out of a special fund known as the second injury fund, hereinafter provided for. If the previous disability or disabilities, whether from compensable injury or otherwise, and the last injury together result in total and permanent disability, the minimum standards under this subsection for a body as a whole injury or a major extremity injury shall not apply and the employer at the time of the last injury shall be liable only for the disability resulting from the last injury considered alone and of itself; except that if the compensation for which the employer at the time of the last injury is liable is less than the compensation provided in this chapter for permanent total disability, then in addition to the compensation for which the employer is liable and after the completion of payment of the compensation by the employer, the employee shall be paid the remainder of the compensation that would be due for permanent total disability under section 287.200 out of the second injury fund.

3. (1) All claims against the second injury fund for injuries occurring after January 1, 2014, and all claims against the second injury fund involving a subsequent compensable injury which is an occupational disease filed after January 1, 2014, shall be compensated as provided in this subsection.

(2) No claims for permanent partial disability occurring after January 1, 2014, shall be filed against the second injury fund. Claims for permanent total disability under section 287.200 against the second injury fund shall be compensable only when the following conditions are met:

(a) a. An employee has a medically documented preexisting disability equaling a minimum of fifty weeks of permanent partial disability compensation according to the medical standards that are used in determining such compensation which is:

- (i) A direct result of active military duty in any branch of the United States Armed Forces; or
- (ii) A direct result of a compensable injury as defined in section 287.020; or

(iii) Not a compensable injury, but such preexisting disability directly and significantly aggravates or accelerates the subsequent work-related injury and shall not include unrelated preexisting injuries or conditions that do not aggravate or accelerate the subsequent work-related injury; or

(iv) A preexisting permanent partial disability of an extremity, loss of eyesight in one eye, or loss of hearing in one ear, when there is a subsequent compensable work-related injury as set forth in subparagraph b of the opposite extremity, loss of eyesight in the other eye, or loss of hearing in the other ear; and

b. Such employee thereafter sustains a subsequent compensable work-related injury that, when combined with the preexisting disability, as set forth in items (i), (ii), (iii), or (iv) of subparagraph a. of this paragraph, results in a permanent total disability as defined under this chapter; or

(b) An employee is employed in a sheltered workshop as established in sections 205.968 to 205.972 or sections 178.900 to 178.960 and such employee thereafter sustains a compensable work-related injury that, when combined with the preexisting disability, results in a permanent total disability as defined under this chapter.

(3) When an employee is entitled to compensation as provided in this subsection, the employer at the time of the last work-related injury shall only be liable for the disability resulting from the subsequent work-related injury considered alone and of itself.

(4) Compensation for benefits payable under this subsection shall be based on the employee's compensation rate calculated under section 287.250.

4. (1) In all cases in which a recovery against the second injury fund is sought for permanent partial disability, permanent total disability, or death, the state treasurer as custodian thereof shall be named as a party, and shall be entitled to defend against the claim.

(2) The state treasurer, with the advice and consent of the attorney general of Missouri, may enter into compromise settlements as contemplated by section 287.390, or agreed statements of fact that would affect the second injury fund. All awards for permanent partial disability, permanent total disability, or death affecting the second injury fund shall be subject to the provisions of this chapter governing review and appeal.

(3) For all claims filed against the second injury fund on or after July 1, 1994, the attorney general shall use assistant attorneys general except in circumstances where an actual or potential conflict of interest exists, to provide legal services as may be required in all claims made for recovery against the fund. Any legal expenses incurred by the attorney general's office in the handling of such claims, including, but not limited to, medical examination fees incurred under sections 287.210 and the expenses provided for under section 287.140, expert witness fees, court reporter expenses, travel costs, and related legal expenses shall be paid by the fund. Effective July 1, 1993, the payment of such legal expenses shall be contingent upon annual appropriations made by the general assembly, from the fund, to the attorney general's office for this specific purpose.

5. If more than one injury in the same employment causes concurrent temporary disabilities, compensation shall be payable only for the longest and largest paying disability.

6. If more than one injury in the same employment causes concurrent and consecutive permanent partial disability, compensation payments for each subsequent disability shall not begin until the end of the compensation period of the prior disability.

7. If an employer fails to insure or self-insure as required in section 287.280, funds from the second injury fund may be withdrawn to cover the fair, reasonable, and necessary expenses incurred relating to claims for injuries occurring prior to January 1, 2014, to cure and relieve the effects of the injury or disability of an injured employee in the employ of an uninsured employer consistent with subsection 3 of section 287.140, or in the case of death of an employee in the employ of an uninsured employer, funds from the second injury fund may be withdrawn to cover fair, reasonable, and necessary expenses incurred relating to a death occurring prior to January 1, 2014, in the manner required in sections 287.240 and 287.241. In defense of claims arising under this subsection, the treasurer of the state of

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Missouri, as custodian of the second injury fund, shall have the same defenses to such claims as would the uninsured employer. Any funds received by the employee or the employee's dependents, through civil or other action, must go towards reimbursement of the second injury fund, for all payments made to the employee, the employee's dependents, or paid on the employee's behalf, from the second injury fund pursuant to this subsection. The office of the attorney general of the state of Missouri shall bring suit in the circuit court of the county in which the accident occurred against any employer not covered by this chapter as required in section 287.280.

8. Every year the second injury fund shall have an actuarial study made to determine the solvency of the fund taking into consideration any existing balance carried forward from a previous year, appropriate funding level of the fund, and forecasted expenditures from the fund. The first actuarial study shall be completed prior to July 1, 2014. The expenses of such actuarial studies shall be paid out of the fund for the support of the division of workers' compensation.

9. The director of the division of workers' compensation shall maintain the financial data and records concerning the fund for the support of the division of workers' compensation and the second injury fund. The division shall also compile and report data on claims made pursuant to subsection 11 of this section. The attorney general shall provide all necessary information to the division for this purpose.

10. All claims for fees and expenses filed against the second injury fund and all records pertaining thereto shall be open to the public.

11. Any employee who at the time a compensable work-related injury is sustained prior to January 1, 2014, is employed by more than one employer, the employer for whom the employee was working when the injury was sustained shall be responsible for wage loss benefits applicable only to the earnings in that employer's employment and the injured employee shall be entitled to file a claim against the second injury fund for any additional wage loss benefits attributed to loss of earnings from the employment or employments where the injury did not occur, up to the maximum weekly benefit less those benefits paid by the employer in whose employment the employee sustained the injury. The employee shall be entitled to a total benefit based on the total average weekly wage of such employee computed according to subsection 8 of section 287.250. The employee shall not be entitled to a greater rate of compensation than allowed by law on the date of the injury. The employer for whom the employee was working where the injury was sustained shall be responsible for all medical costs incurred in regard to that injury.

12. No compensation shall be payable from the second injury fund if the employee files a claim for compensation under the workers' compensation law of another state with jurisdiction over the employee's injury or accident or occupational disease.

13. Notwithstanding the requirements of section 287.470, the life payments to an injured employee made from the fund shall be suspended when the employee is able to obtain suitable gainful employment or be self-employed in view of the nature and severity of the injury. The division shall promulgate rules setting forth a reasonable standard means test to determine if such employment warrants the suspension of benefits.

14. All awards issued under this chapter affecting the second injury fund shall be subject to the provisions of this chapter governing review and appeal.

15. The division shall pay any liabilities of the fund in the following priority:

- (1) Expenses related to the legal defense of the fund under subsection 4 of this section;
- (2) Permanent total disability awards in the order in which claims are settled or finally adjudicated;
- (3) Permanent partial disability awards in the order in which such claims are settled or finally adjudicated;
- (4) Medical expenses incurred prior to July 1, 2012, under subsection 7 of this section; and
- (5) Interest on unpaid awards.

Such liabilities shall be paid to the extent the fund has a positive balance. Any unpaid amounts shall remain an ongoing liability of the fund until satisfied.

16. Post-award interest for the purpose of second injury fund claims shall be set at the adjusted rate of interest established by the director of revenue pursuant to section 32.065 or five percent, whichever is greater.

17. Notwithstanding the provisions of subsection 15 of this section to the contrary, the division may pay from the second injury fund any of the following second injury fund liabilities prior to those liabilities listed under subsection 15 of this section:

(1) All death benefits incurred under subsection 7 of this section relating to claims for deaths occurring prior to January 1, 2014, consistent with a temporary or final award; and

(2) Ongoing medical expenses, but not past medical expenses, under subsection 7 of this section relating to claims for injuries occurring prior to January 1, 2014, consistent with a temporary or final award that includes future medical benefits.

287.280. EMPLOYER'S ENTIRE LIABILITY TO BE COVERED, SELF-INSURER OR APPROVED CARRIER — EXCEPTION — GROUP OF EMPLOYERS MAY QUALIFY AS SELF-INSURERS, REQUIREMENTS — RULES — CONFIDENTIAL RECORDS. — 1. Every employer subject to the provisions of this chapter shall, on either an individual or group basis, insure their entire liability under the workers' compensation law; and may insure in whole or in part their employer liability, under a policy of insurance or a self-insurance plan, except as hereafter provided, with some insurance carrier authorized to insure such liability in this state, except that an employer or group of employers may themselves carry the whole or any part of the liability without insurance upon satisfying the division of their ability to do so. If an employer or group of employers have qualified to self-insure their liability under this chapter, the division of workers' compensation may, if it finds after a hearing that the employer or group of employers are willfully and intentionally violating the provisions of this chapter with intent to defraud their employees of their right to compensation, suspend or revoke the right of the employer or group of employers to self-insure their liability. If the employer or group of employers fail to comply with this section, an injured employee or his or her dependents may elect after the injury either to bring an action against such employer or group of employers to recover damages for personal injury or death and it shall not be a defense that the injury or death was caused by the negligence of a fellow servant, or that the employee had assumed the risk of the injury or death, or that the injury or death was caused to any degree by the negligence of the employee; or to recover under this chapter with the compensation payments commuted and immediately payable; or, if the employee elects to do so, he or she may file a request with the division for payment to be made for medical expenses out of the second injury fund as provided in subsection 7 of section 287.220. If the employer or group of employers are carrying their own insurance, on the application of any person entitled to compensation and on proof of default in the payment of any installment, the division shall require the employer or group of employers to furnish security for the payment of the compensation, and if not given, all other compensation shall be commuted and become immediately payable; provided, that employers engaged in the mining business shall be required to insure only their liability hereunder to the extent of the equivalent of the maximum liability under this chapter for ten deaths in any one accident, but the employer or group of employers may carry their own risk for any excess liability. When a group of employers enter into an agreement to pool their liabilities under this chapter, individual members will not be required to qualify as individual self-insurers.

2. Groups of employers qualified to insure their liability pursuant to chapter 537 or this chapter shall utilize a uniform experience rating plan promulgated by an approved advisory organization. Such groups shall develop experience ratings for their members based on the plan. Nothing in this section

shall relieve an employer from remitting, without any charge to the employer, the employer's claims history to an approved advisory organization.

3. For every entity qualified to group self-insure their liability pursuant to this chapter or chapter 537, each entity shall not authorize total discounts for any individual member exceeding twenty-five percent beginning January 1, 1999. All discounts shall be based on objective quantitative factors and applied uniformly to all trust members.

4. Any group of employers that have qualified to self-insure their liability pursuant to this chapter shall file with the division premium rates, based on pure premium rate data, adjusted for loss development and loss trending as filed by the advisory organization with the department of commerce and insurance pursuant to section 287.975, plus any estimated expenses and other factors or based on average rate classifications calculated by the department of commerce and insurance as taken from the premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. The rate is inadequate if funds equal to the full ultimate cost of anticipated losses and loss adjustment expenses are not produced when the prospective loss costs are applied to anticipated payrolls. The provisions of this subsection shall not apply to those political subdivisions of this state that have qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 on an assessment plan. Any such group may file with the division a composite rate for all coverages provided under that section.

5. When considering applications for new trust self-insurers, as described under 8 CSR 50- 3.010, the division shall require proof of payment by each member of not less than twenty-five percent of the estimated annual premium; except that, for new members who wish to join an existing trust self-insurer during the policy year rather than at the beginning of the policy year, the division shall require proof of payment of the lesser of the estimated premium of three months or the estimated premium for the balance of the policy year.

6. Self-insured trusts, as described under 8 CSR 50- 3.010, may invest surplus moneys from a prior trust year not needed for current obligations. Notwithstanding any provision of law to the contrary, upon approval by the division, a self-insured trust may invest up to one hundred percent of surplus moneys in securities designated by the state treasurer as acceptable collateral to secure state deposits under section 30.270.

7. Any finding or determination made by the division under this section may be reviewed as provided in sections 287.470 and 287.480.

8. If a group of employers who have been granted self-insurance authority under this chapter or chapter 537 or a public sector individual employer granted self-insurance authority under this chapter is deemed insolvent, determined to be insolvent, or files for bankruptcy, and fails to pay any of its obligations that are owed to an injured employee or an injured employee's dependent or dependents pursuant to this chapter, whether based upon a compromise settlement approved pursuant to section 287.390 or based upon an award issued pursuant to this chapter, the division shall call upon the entire security posted by the group of employers or public sector individual employer. The division may refer all known losses or cases of the group of employers or public sector individual employer to a third-party administrator or any such entity authorized in this state to administer the workers' compensation cases. The third-party administrator or entity to which the losses are transferred shall have the authority to receive the security proceeds from the division and use the proceeds, after deducting reasonable administrative expenses, to pay the compensation benefits owed pursuant to this chapter. The security proceeds shall not be considered state property and shall not be subject to appropriation by the general assembly. Any unused portion of the security proceeds shall be returned to the division. The group of employers or public sector individual employer may apply to the division for release of the unused portion of the security proceeds as set forth in rules promulgated by the division. Neither the division nor

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any third-party administrator shall be obligated or required to pay any obligations or moneys in an amount in excess of the security proceeds, and neither the division nor any third-party administrator shall be liable for any interest or penalties. The joint and several liability of the members of a group that is deemed insolvent, that is determined to be insolvent, or that files for bankruptcy shall continue and shall not be terminated by payment of benefits under this subsection.

9. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

[9.] 10. Any records submitted pursuant to this section, and pursuant to any rule promulgated by the division pursuant to this section, shall be considered confidential and not subject to chapter 610. Any party to a workers' compensation case involving the party that submitted the records shall be able to subpoena the records for use in a workers' compensation case, if the information is otherwise relevant.

287.480. APPLICATION FOR REVIEW, TIME LIMIT — WHEN DEEMED FILED — BOND REQUIRED, WHEN. — 1. If an application for review is made to the commission within twenty days from the date of the award, the full commission, if the first hearing was not held before the full commission, shall review the evidence, or, if considered advisable, as soon as practicable hear the parties at issue, their representatives and witnesses and shall make an award and file it in like manner as specified in section 287.470. Any notice of appeal, application or other paper required under this law to be filed with the division or the commission shall, when mailed to or transmitted by electronic facsimile meeting the requirements of the division and received by the division or the commission, be deemed to be filed as of the date endorsed by the United States post office on the envelope or container in which such paper is received, or the date received if filed by facsimile. In instances where the last day for the filing of any such paper falls on a Sunday or legal holiday, the filing shall be deemed timely if accomplished on the next day subsequent which is neither a Sunday or a legal holiday. When filing by electronic facsimile meeting the requirements of the division, the parties shall, on the same date as the facsimile transmission, mail by the United States mail the original and the requisite number of copies to the commission. **In addition, the commission may allow filing of applications for review, briefs, motions, and other requests for relief with the commission by electronic means, in such manner as the commission may, by regulation, prescribe.**

2. An employer who has been determined by the division to be an employer subject to and operating pursuant to this chapter and has also been determined to be uninsured may file an application for review but such application for review shall be accompanied with and attached to the application for review a bond which shall be conditioned for the satisfaction of the award in full, and if for any reason the appeal is dismissed or if the award is affirmed or modified, to satisfy in full such modification of the award as the commission may award. The surety on such bond shall be a bank, savings and loan institution or an insurance company licensed to do business in the state of Missouri. No appeal to the commission shall be considered filed unless accompanied by such bond and such bond shall also be a prerequisite for appeal as provided in section 287.495 and such appeal pursuant to section 287.495 shall not be considered filed unless accompanied by such bond. If any other employer pursuant to section 287.040 would be liable, the employee shall be paid benefits from the bond until the bond is exhausted before the section 287.040 employer is required to pay.

287.715. ANNUAL SURCHARGE REQUIRED FOR SECOND INJURY FUND, AMOUNT, HOW COMPUTED, COLLECTION — VIOLATION, PENALTY — SUPPLEMENTAL SURCHARGE, AMOUNT. — 1. For the purpose of providing for revenue for the second injury fund, every authorized self-insurer, and every workers' compensation policyholder insured pursuant to the provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the provisions of this section. The annual surcharge imposed under this section shall apply to all workers' compensation

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insurance policies and self-insurance coverages which are written or renewed on or after April 26, 1988, including the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured. Notwithstanding any law to the contrary, the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional transaction.

2. Beginning October 31, 2005, and each year thereafter, the director of the division of workers' compensation shall estimate the amount of benefits payable from the second injury fund during the following calendar year and shall calculate the total amount of the annual surcharge to be imposed during the following calendar year upon all workers' compensation policyholders and authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each policyholder and self-insured for the following calendar year commencing with the calendar year beginning on January 1, 2006, shall be set at and calculated against a percentage, not to exceed three percent, of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid from the second injury fund in the following calendar year, less any moneys contained in the fund at the end of the previous calendar year. All policyholders and self-insurers shall be notified by the division of workers' compensation within ten calendar days of the determination of the surcharge percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for individual self-insured employers shall be based on average rate classifications calculated by the department of commerce and insurance as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation. The director may advance funds from the workers' compensation fund to the second injury fund if surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation fund to the second injury fund must be reimbursed by the second injury fund no later than December thirty-first of the year following the advance. The surcharge shall be collected from policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses or fees.

3. All surcharge amounts imposed by this section shall be deposited to the credit of the second injury fund.

4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails to make timely transfer to the division of surcharges actually collected from policyholders, as required by this section, a penalty of one-half of one percent of the surcharge unpaid, or untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

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6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to [2021] **2022** of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point. **For calendar year 2023, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed two and one-half percent of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point.** All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, [2021] **2023**.

7. Funds collected under the provisions of this chapter shall be the sole funding source of the second injury fund.

Approved July 7, 2021

CCS HS HCS SCS SB 520

Enacts provisions relating to the designation of memorial infrastructure.

AN ACT to repeal section 227.803, RSMo, and to enact in lieu thereof thirteen new sections relating to the designation of memorial infrastructure.

SECTION

- A Enacting clause.
- 227.479 Duane S Michie Memorial Highway designated for a portion of State Highway D in Pemiscot County.
- 227.485 Deputy Sheriff Aaron P Roberts Memorial Highway designated for a portion of State Highway H in Greene County.
- 227.499 MSgt. Carl Cospser Jr Memorial Highway designated for a portion of State Highway 37 in Barry County.
- 227.778 Stars and Stripes Highway designated for a portion of State Highway 25 in Stoddard County.
- 227.779 Police Officer Michael V Langsdorf Memorial Bridge designated for a bridge on I-55 in St. Louis County.
- 227.787 David Dorn Memorial Highway designated for a portion of I-70 in St. Louis City.
- 227.788 Police Surgeon James F Cooper MD Memorial Bridge designated for a bridge on I-64 in St. Louis City.
- 227.789 Billy Ray - Cousin Carl - Anderson Memorial Highway designated for a portion of State Highway 91 and State Highway C in Scott County.
- 227.803 Police Officer Christopher Ryan Morton Memorial Highway designated for a portion of State Highway 7 in City of Clinton.
- 227.806 Captain David Dorn Memorial Highway designated for a portion of State Highway 180 in St. Louis.
- 1 WW II POW Alex Cortez Memorial Bridge designated for a bridge on State Highway 34 in Wayne County.
 - 2 Firefighter Tyler H Casey Memorial Highway designated for a portion of State Highway 43 in Newton County.
 - 3 Bobby Plager Memorial Highway designated for a portion of I-64 in St. Louis City.

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

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

SECTION A. ENACTING CLAUSE. — Section 227.803, RSMo, is repealed and thirteen new sections enacted in lieu thereof, to be known as sections 227.479, 227.485, 227.499, 227.778, 227.779, 227.787, 227.788, 227.789, 227.803, 227.806, 1, 2, and 3, to read as follows:

227.479. DUANE S MICHIE MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY D IN PEMISCOT COUNTY. — The portion of State Highway D from the intersection with State Highway 84 continuing north to County Road 321 in Pemiscot County shall be designated the "Duane S Michie Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.485. DEPUTY SHERIFF AARON P ROBERTS MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY H IN GREENE COUNTY. — The portion of State Highway H from Interstate 44 West continuing north to County Road 88 in Greene County shall be designated as "Deputy Sheriff Aaron P Roberts Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.499. MSGT. CARL COSPER JR MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 37 IN BARRY COUNTY. — The portion of State Highway 37 from County Road 1062 continuing to County Road 1060 in Barry County shall be designated as the "MSgt. Carl Cosper Jr Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.778. STARS AND STRIPES HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 25 IN STODDARD COUNTY. — The portion of State Highway 25 from U.S. Highway 60 continuing north to Mary Street in Stoddard County shall be designated as "Stars and Stripes Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.779. POLICE OFFICER MICHAEL V LANGSDORF MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON I-55 IN ST. LOUIS COUNTY. — The bridge on Interstate 55 crossing over Butler Hill Road in St. Louis County shall be designated as "Police Officer Michael V Langsdorf Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.787. DAVID DORN MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-70 IN ST. LOUIS CITY. — The portion of Interstate 70 from Shreve Road continuing to Kingshighway Boulevard shall be designated as "David Dorn Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.788. POLICE SURGEON JAMES F COOPER MD MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON I-64 IN ST. LOUIS CITY. — The bridge on Interstate 64 crossing over Sarah Street in St. Louis City shall be designated as the "Police Surgeon James F Cooper MD Memorial

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

Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.789. BILLY RAY - COUSIN CARL - ANDERSON MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 91 AND STATE HIGHWAY C IN SCOTT COUNTY. — The portion of State Highway 91 from U.S. State 61 to State Highway C and continuing east on State Highway C through the city of Morley to State Highway H in Scott County shall be designated as "Billy Ray - Cousin Carl - Anderson Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.803. POLICE OFFICER CHRISTOPHER RYAN MORTON MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 7 IN CITY OF CLINTON. — The portion of State Highway 7 from County Road 221 West continuing to [Calvird Drive] State Highway 52 in the city of Clinton in Henry County shall be designated as "Police Officer Christopher Ryan Morton Memorial Highway". The department shall erect and maintain appropriate signs designating such highway with the costs to be paid for by private donations.

227.806. CAPTAIN DAVID DORN MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 180 IN ST. LOUIS. — The portion of State Highway 180 from Interstate 170 continuing to Kienlen Avenue shall be designated as "Captain David Dorn Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

SECTION 1. WW II POW ALEX CORTEZ MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON STATE HIGHWAY 34 IN WAYNE COUNTY. — The bridge on State Highway 34, also known as South Main Street, crossing over the Makenzie Creek in Wayne County shall be designated as "WW II POW Alex Cortez Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

SECTION 2. FIREFIGHTER TYLER H CASEY MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 43 IN NEWTON COUNTY. — The portion of State Highway 43 from State Highway U continuing to State Highway C in Newton County shall be designated as "Firefighter Tyler H Casey Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

SECTION 3. BOBBY PLAGER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-64 IN ST. LOUIS CITY. — That portion of Interstate 64 between Jefferson Avenue and Tucker Boulevard located in the City of Saint Louis shall be designated as "Bobby Plager Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

Approved July 14, 2021

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SS SCS HCS HB 362

Modifies provisions relating to government transparency in public access to records, with a penalty provision.

AN ACT to repeal sections 210.152, 610.021, and 610.026, RSMo, and to enact in lieu thereof six new sections relating to government transparency in public access to records, with a penalty provision.

Vetoed July 9, 2021

SS#2 HB 661

Modifies provisions relating to transportation, with penalty provisions, and a delayed effective date for a certain section.

AN ACT to repeal sections 21.795, 142.869, 300.010, 301.010, 301.062, 301.131, 301.147, 301.192, 301.280, 301.558, 302.010, 302.755, 303.020, 303.025, 303.041, 304.001, 304.050, 304.153, 304.180, 304.240, 307.025, 307.128, 307.180, 307.188, 307.193, 307.350, 307.380, 365.020, 385.220, 385.320, 407.300, 407.526, 407.536, 407.556, 407.560, 407.815, 407.1025, 570.030, 578.120, 643.310, and 643.315, RSMo, and to enact in lieu thereof fifty-six new sections relating to transportation, with penalty provisions, and a delayed effective date for a certain section.

Vetoed July 9, 2021

SS SCS HCS HB 685

Modifies provisions relating to certain public officers, with an existing penalty provision.

AN ACT to repeal sections 27.010, 50.166, 50.530, 51.050, 55.060, 58.030, 59.021, 59.100, 60.010, 77.230, 79.080, 105.465, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, 451.040, and 483.010, RSMo, and to enact in lieu thereof twenty-one new sections relating to certain public officers, with an existing penalty provision.

Vetoed July 9, 2021

CCS HCS SB 226

Modifies provisions relating to taxation, with an emergency clause for a certain section.

AN ACT to repeal sections 137.115, 143.121, 144.011, and 144.080, RSMo, and to enact in lieu thereof seven new sections relating to taxation, with an existing penalty provision and an emergency clause for a certain section.

Vetoed July 9, 2021

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HCS HCR 4 & 5

WHEREAS, Missouri was part of the 1803 Louisiana Purchase and became a state in 1821; and

WHEREAS, the terms of Missouri's statehood included that Missouri would be the only state north of the Mason-Dixon line that was a slave state; and

WHEREAS, the tensions in the nation regarding racial equality, or lack thereof, have played out in profound ways in the state of Missouri; and

WHEREAS, St. Louis, being situated on the Mississippi River, was uniquely positioned to be a destination for the slave trade; and

WHEREAS, tensions of human inequality are profoundly apparent in the history of the state; and

WHEREAS, when persons with African ancestry in Missouri sued for their freedom, such freedom was sometimes granted, within the legal parameters allowed; and

WHEREAS, the tension in the nation over the issue of slavery and human inequality resulted in Dred and Harriet Scott, persons with African ancestry, being denied freedom in this state in a decision by the Missouri Supreme Court on March 22, 1852; and

WHEREAS, that 1852 Missouri Supreme Court decision deviated from Court precedent freeing former slaves and stated: "Times are not now as they once were when the former decisions on this subject were made. Since then not only individuals but States have been possessed with dark and fell spirit in relation to slavery ... the state of Missouri is willing to assume her full responsibility for the existence of slavery within her limits, nor does she seek to share or divide it with others,"; and

WHEREAS, after this decision, the Scotts persisted in their pursuit for freedom, ultimately resulting in the infamous decision by the Supreme Court of the United States on March 6, 1857, holding that as African Americans, Dred and Harriet Scott did not have the right to sue for their freedom, consigning African Americans to a permanent inferior status in this country; and

WHEREAS, the March 22, 1852, Dred Scott decision is a regrettable legacy for this state and antithetical to the nation's founding values, specifically the tenet that all men are created equal; and

WHEREAS, the 1852 Missouri Supreme Court Dred Scott decision opened the door for the 1857 United States Supreme Court's decision declaring that people of African ancestry "had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit", an expression of racism and a precursor to Jim Crow laws, which perpetrated over a century of injustice; and

WHEREAS, it is time for these open doors to be unequivocally closed; and

WHEREAS, all political power is vested in and derived from the people; and

WHEREAS, all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole; and

WHEREAS, all constitutional government is intended to promote the general welfare of all people; and

WHEREAS, all persons have a natural right to life, liberty, and the pursuit of happiness; and

WHEREAS, no person shall be deprived of life, liberty, or property without the due process of law; and

WHEREAS, all human beings are created equal and are entitled to equal rights and opportunity under the law; and

WHEREAS, two hundred years after this State's founding, during the bicentennial of this State's founding, it is time to draw a line between Missouri's history, which encompassed such inhumane and unfair treatment to our citizens, and the present and future Missouri, which aims to be a place of equal treatment for all:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the One Hundred First General Assembly, First Regular Session, the Senate concurring therein, that, as the 1852 Missouri Supreme Court decision recognized "times are not now as they once were when the former decisions on this subject were made"; and, that the times have once again changed and we declare the March 22, 1852, Missouri Supreme Court Dred Scott decision is fully and entirely renounced; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Governor, the Clerk of the Supreme Court of Missouri, the justices of the Supreme Court of Missouri, and the members of the Missouri Congressional delegation.

HCR 19

BE IT RESOLVED, by the House of Representatives of the One Hundred First General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 2:30 p.m., Wednesday, January 27, 2021, to receive a message from His Excellency, the Honorable Michael L. Parson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that an honorary committee from the House of Representatives be appointed by the Speaker to act with an honorary committee from the Senate, appointed by the President Pro Tempore, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the One Hundred First General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HCR 20

BE IT RESOLVED, by the House of Representatives of the One Hundred First General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Tuesday, February 2, 2021, to receive a message from the Honorable George W. Draper III, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

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SCR 4

Applies to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution.

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

Whereas, the Founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

Whereas, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, it is the solemn duty of the states to protect the liberty of our people - particularly for the generations to come - to propose amendments to the United States Constitution through a convention of states under Article V to place clear restraints on these and related abuses of power; and

Whereas, the Ninety-ninth General Assembly of Missouri, First Regular Session, adopted Senate Concurrent Resolution 4, which contained an application for an Article V Convention to propose constitutional amendments identical to those proposed in this resolution, but provided that the application would expire five years after the passage of Senate Concurrent Resolution 4:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress; and

Be It Further Resolved that the General Assembly adopts this application with the following understandings (as the term "understandings" is used within the context of "reservations, understandings, and declarations"):

(1) An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to "call" for a convention;

(2) This ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;

(3) The power of Congress to "call" a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the convention;

(4) Congress possesses no power whatsoever to name delegates to the convention, as this power remains exclusively within the authority of the legislatures of the several states;

(5) Congress possesses no power to set the number of delegates to be sent by any states;

(6) Congress possesses no power whatsoever to determine any rules for such convention;

(7) By definition, a Convention of States means that states vote on the basis of one state, one vote;

(8) A Convention of States convened pursuant to this application is limited to consideration of topics specified herein and no other;

(9) The General Assembly of Missouri may recall its delegates at any time for breach of their duties or violations of their instructions pursuant to the procedures adopted in this resolution;

(10) Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The General Assembly of Missouri recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;

(11) Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged herein;

(12) Missouri places express reliance on prior legal and judicial determinations that Congress possesses no power under Article I relative to the Article V process, and that Congress must act only as expressly specified in Article V; and

Be It Further Resolved that this application hereby repeals, rescinds, cancels, renders null and void, and supercedes the application to the Congress of the United States for a convention under Article V of the Constitution of the United States by this state in Senate Concurrent Resolution No. 4 as adopted by the Ninety-ninth General Assembly, First Regular Session; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

SCR 6

WHEREAS, an independent United States Supreme Court is an essential element of America's system of checks and balances that protects our constitutional rights; and

WHEREAS, the United States Supreme Court has been composed of nine Justices for more than 150 years; and

WHEREAS, the President of the United States and Congress should be prohibited from undermining the independence of the Supreme Court by changing the number of Justices on the Supreme Court:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to resist any attempt to increase the number of Justices on the United States Supreme Court; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

SCR 7

Approves the new fees and taxes approved by the North Central Missouri Regional Water Commission.

Relating to the North Central Missouri Regional Water Commission.

Whereas, the General Assembly recognizes the need for all Missourians and all geographic areas of the state to have access to a reliable and safe water supply; and

Whereas, the Multipurpose Water Resource Act, set forth in Sections 256.435 to 256.445 of the Revised Statutes of Missouri, permits the Missouri Department of Natural Resources to participate in the development, construction, or renovation of approved water resource projects, which may include the use of money in the Multipurpose Water Resource Program Fund established in the state treasury to carry out approved water resource projects; and

Whereas, the North Central Missouri Regional Water Commission is sponsoring a project to develop a long-term water resource reservoir for a ten county area in north central Missouri - the reservoir to be located in Sullivan County; and

Whereas, the North Central Missouri Regional Water Commission's project has been approved in accordance with the Multipurpose Water Resource Act to receive funds from the Multipurpose Water Resource Program Fund; and

Whereas, the North Central Missouri Regional Water Commission expects the U.S. Army Corps of Engineers to issue a Record of Decision and permit the commencement of construction of the reservoir in the current calendar year (2021); and

Whereas, the North Central Missouri Regional Water Commission requires funding that exceeds the current balance in the Multipurpose Water Resource Program Fund. Therefore, once a Record of Decision is issued, the North Central Missouri Regional Water Commission intends to secure a loan and grant package from the United States Department of Agriculture - Rural Development. The funding package will consolidate the North Central Missouri Regional Water Commission's debt and provide funding for construction of the reservoir. The North Central Missouri Regional Water Commission's funding package could total 48.5 million dollars with a thirty five year repayment schedule; and

Whereas, as a stipulation of the Letter of Conditions between the United States Department of Agriculture - Rural Development and the North Central Missouri Regional Water Commission, it will be necessary for the state to enter into an agreement with the North Central Missouri Regional Water Commission for financial assurances associated with loans made from the United States Department of Agriculture - Rural Development and the North Central Missouri Regional Water Commission; and

Whereas, it may be additionally necessary for the state to annually appropriate, and for the Missouri Department of Natural Resources to allocate, funds from the Multipurpose Water Resource Program Fund over the thirty five year repayment term of the United States Department of Agriculture - Rural Development loan:

Now, Therefore Be It Resolved, that the members of the Missouri Senate of the One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the funding of the North Central Missouri Regional Water Commission project by the state entering into a long-term commitment of money in the Multipurpose Water Resource Program Fund, subject to appropriations; provided that the total annual cost does not exceed 1.5 million dollars, and the total cost over the life of the contract does not exceed 24 million dollars; and

Be It Further Resolved that the members of the General Assembly support the following:

1. The payment of debt service to the United States Department of Agriculture - Rural Development on behalf of the North Central Missouri Regional Water Commission, which shall be payable from future appropriations to be made by the General Assembly of General Revenue funds to the Multipurpose Water Resource Program Fund; and

2. Pursuant to Article IV, Section 28 of the Missouri Constitution, this resolution shall not bind future General Assemblies to make any appropriation for the purposes enumerated herein. It is the present intent of the General Assembly that during each of the fiscal years in which the state has entered into an agreement for long-term support of a project, General Revenue be appropriated to the Multipurpose Water Resource Program Fund in an amount sufficient to fulfill the obligations of the contract between the state and the North Central Missouri Regional Water Commission; and

Be It Further Resolved that this resolution shall be approved or rejected by the Governor pursuant to the Missouri Constitution.

Approved June 10, 2021

**PROPOSED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
NOVEMBER 8, 2022 ELECTION**

HJR 35 [HCS HJR 35]

Proposes a constitutional amendment that modifies the State Treasurer's ability to invest

CONSTITUTIONAL AMENDMENT NO. 1. — (Proposed by the 101st General Assembly, First Regular Session, HJR 35)

Official Ballot Title:

Do you want to amend the Missouri Constitution to:

- allow the General Assembly to override the current constitutional restrictions of state investments by the state treasurer; and
- allow state investments in municipal securities possessing one of the top five highest long term ratings or the highest short term rating?

State governmental entities estimate no costs and increased interest revenue of \$2 million per year. Local governmental entities estimate no costs and increased interest revenue of at least \$34,000 per year.

Fair Ballot Language:

A **"yes"** vote will amend the Missouri Constitution to grant the General Assembly statutory authority to invest state funds and also expand the state treasurer's investment options. Currently the Constitution grants the General Assembly no statutory investment authority and limits the treasurer's investment options. This amendment will allow the General Assembly by statute to determine investment avenues for the state treasurer to invest state funds, as well as allow the state treasurer to invest in municipal securities.

A **"no"** vote will not amend the Missouri Constitution and limit the treasurer to investing state funds only in those currently approved by the Constitution.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment peeling section 15 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state treasurer's ability to invest

SECTION

- A. Enacting clause.
- 15 State treasurer — duties — custody, investment and deposit of state funds — duties limited — nonstate funds to be in custody and invested by department of revenue — nonstate funds defined.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2022, or at a special election to be called by the governor for that

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purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 15, Article VII, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 15, to read as follows:

SECTION 15. STATE TREASURER — DUTIES — CUSTODY, INVESTMENT AND DEPOSIT OF STATE FUNDS — DUTIES LIMITED — NONSTATE FUNDS TO BE IN CUSTODY AND INVESTED BY DEPARTMENT OF REVENUE — NONSTATE FUNDS DEFINED. — The state treasurer shall be custodian of all state funds and funds received from the United States government. The department of revenue shall take custody of and invest nonstate funds as defined herein, and other moneys authorized to be held by the department of revenue. All revenue collected and moneys received by the state which are state funds or funds received from the United States government shall go promptly into the state treasury. All revenue collected and moneys received by the department of revenue which are nonstate funds as defined herein shall be promptly credited to the fund provided by law for that type of money. Immediately upon receipt of state or United States funds the state treasurer shall deposit all moneys in the state treasury in banking institutions selected by him and approved by the governor and state auditor, and he shall hold them for the benefit of the respective funds to which they belong and disburse them as provided by law. Unless otherwise provided by law, all interest received on nonstate funds shall be credited to such funds. The state treasurer shall determine by the exercise of his best judgment the amount of moneys in his custody that are not needed for current expenses and shall place all such moneys on time deposit, bearing interest, in banking institutions in this state selected by the state treasurer and approved by the governor and state auditor or in obligations of the United States government or any agency or instrumentality thereof maturing and becoming payable not more than ~~five~~ **seven** years from the date of purchase. In addition the treasurer may enter into repurchase agreements maturing and becoming payable within ninety days secured by United States Treasury obligations or obligations of United States government agencies or instrumentalities of any maturity, as provided by law. The treasurer may also invest in banker's acceptances issued by domestic commercial banks possessing the highest rating issued by a nationally recognized rating agency and in commercial paper issued by domestic corporations which has received the highest rating issued by a nationally recognized rating agency. **The treasurer may also invest in municipal securities possessing one of the five highest long term ratings or the highest short term rating issued by a nationally recognized rating agency and maturing and becoming payable not more than five years from the date of purchase. The treasurer may also invest in other reasonable and prudent financial instruments and securities as otherwise provided by law.** Investments in banker's acceptances and commercial paper shall mature and become payable not more than one hundred eighty days from the date of purchase, maintain the highest rating throughout the duration of the investment and meet any other requirements provided by law. The state treasurer shall prepare, maintain and adhere to a written investment policy which shall include an asset allocation plan limiting the total amount of state money which may be invested in each investment category authorized by this section. The investment and deposit of state, United States and nonstate funds shall be subject to such restrictions and requirements as may be prescribed by law. Banking institutions in which state and United States funds are deposited by the state treasurer shall give security satisfactory to the governor, state auditor and state treasurer for the safekeeping and payment of the deposits and interest thereon pursuant to deposit agreements made with the state treasurer pursuant to law. No duty shall be imposed on the state treasurer by law which is not related to the receipt, investment,

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Proposed Amendments to the Constitution of Missouri 1145

custody and disbursement of state funds and funds received from the United States government. As used in the section, the term "banking institutions" shall include banks, trust companies, savings and loan associations, credit unions, production credit associations authorized by act of the United States Congress, and other financial institutions which are authorized by law to accept funds for deposit or which in the case of production credit associations, issues securities. As used in this section, the term "nonstate funds" shall include all taxes and fees imposed by political subdivisions and collected by the department of revenue; all taxes which are imposed by the state, collected by the department of revenue and distributed by the department of revenue to political subdivisions; and all other moneys which are hereafter designated as "nonstate funds" to be administered by the department of revenue.

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

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LAWS PASSED

DURING THE

ONE HUNDRED FIRST

GENERAL ASSEMBLY,

FIRST EXTRAORDINARY

SESSION

(2021)

Convened Wednesday, June 23, 2021.
Adjourned Sine Die
Wednesday, June 30, 2021.

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SS#3 SB 1

Enacts provisions relating to MO HealthNet.

AN ACT to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to MO HealthNet.

SECTION

- A Enacting clause.
- 190.839 Expiration date.
- 198.439 Expiration date.
- 208.152 Medical services for which payment shall be made — co-payments may be required — reimbursement for services — notification upon change in interpretation or application of reimbursement — reimbursement for behavioral, social, and psychological services for physical health issues.
- 208.437 Reimbursement allowance period — notification of balance due, when — delinquent payments, procedure, basis for denial of licensure — expiration date.
- 208.480 Federal reimbursement allowance expiration date.
- 338.550 Expiration date of tax, when.
- 633.401 Definitions — assessment imposed, formula — rates of payment — fund created, use of moneys — record-keeping requirements — report — appeal process — rulemaking authority — expiration date.
- B Severability clause.

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

SECTION A. ENACTING CLAUSE. — Sections 190.839, 198.439, 208.152, 208.437, 208.480, 338.550, and 633.401, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 190.839, 198.439, 208.152, 208.437, 208.480, 338.550, and 633.401, to read as follows:

190.839. EXPIRATION DATE. — Sections 190.800 to 190.839 shall expire on September 30, [2021] **2024**.

198.439. EXPIRATION DATE. — Sections 198.401 to 198.436 shall expire on September 30, [2021] **2024**.

208.152. MEDICAL SERVICES FOR WHICH PAYMENT SHALL BE MADE — CO-PAYMENTS MAY BE REQUIRED — REIMBURSEMENT FOR SERVICES — NOTIFICATION UPON CHANGE IN INTERPRETATION OR APPLICATION OF REIMBURSEMENT — REIMBURSEMENT FOR BEHAVIORAL, SOCIAL, AND PSYCHOLOGICAL SERVICES FOR PHYSICAL HEALTH ISSUES. — 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as described in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO

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

HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Subject to appropriation, up to twenty visits per year for services limited to examinations, diagnoses, adjustments, and manipulations and treatments of malpositioned articulations and structures of the body provided by licensed chiropractic physicians practicing within their scope of practice. Nothing in this subdivision shall be interpreted to otherwise expand MO HealthNet services;

(8) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(9) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(10) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(11) Home health care services;

(12) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions **or any abortifacient drug or device that is used for the purpose of inducing an abortion** unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(13) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

(14) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(15) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(16) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(17) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

(18) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(19) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(20) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(21) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(22) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(24) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(25) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as described in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The

program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (15) and (16) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. If the Missouri Medicaid audit and compliance unit changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, the Missouri Medicaid audit and compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.

13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.

14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.

208.437. REIMBURSEMENT ALLOWANCE PERIOD — NOTIFICATION OF BALANCE DUE, WHEN — DELINQUENT PAYMENTS, PROCEDURE, BASIS FOR DENIAL OF LICENSURE — EXPIRATION DATE. — 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of commerce and insurance. The director of the department of commerce and insurance may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, [2021] **2024**.

208.480. FEDERAL REIMBURSEMENT ALLOWANCE EXPIRATION DATE. — Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2021] **2024**.

338.550. EXPIRATION DATE OF TAX, WHEN. — 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, [2021] **2024**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, [2021] **2024**.

633.401. DEFINITIONS — ASSESSMENT IMPOSED, FORMULA — RATES OF PAYMENT — FUND CREATED, USE OF MONEYS — RECORD-KEEPING REQUIREMENTS — REPORT — APPEAL PROCESS — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:

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

(1) "Engaging in the business of providing health benefit services", accepting payment for health benefit services;

(2) "Intermediate care facility for the intellectually disabled", a private or department of mental health facility which admits persons who are intellectually disabled or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the intellectually disabled that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart I;

(3) "Net operating revenues from providing services of intermediate care facilities for the intellectually disabled" shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) "Services of intermediate care facilities for the intellectually disabled" has the same meaning as the term services of intermediate care facilities for the mentally retarded, as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the intellectually disabled or developmentally disabled in this state.

3. Each facility's assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the intellectually disabled, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C. Section 1396, et seq., as amended.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the intellectually disabled on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the "Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility intellectually disabled reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the intellectually disabled shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the intellectually disabled shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the intellectually disabled. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the intellectually disabled upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the intellectually disabled provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the intellectually disabled granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, [2021] **2024**.

SECTION B. SEVERABILITY CLAUSE. — If any provision of section A of this act or the application thereof to anyone or to any circumstance is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.

Approved July 1, 2021

SUBJECT INDEX

FOR

ONE HUNDRED FIRST
GENERAL ASSEMBLY,

FIRST REGULAR SESSION
(2021)

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101ST GENERAL ASSEMBLY, FIRST REGULAR SESSION**ADMINISTRATION, OFFICE OF**

- SB 63 Modifies provisions relating to the monitoring of certain controlled substances
HB 5 Appropriations money for the Office of Administration
HB 271 Modifies provisions relating to local governments

ADMINISTRATIVE LAW

- SB 26 Creates provisions relating to public safety

ADOPTION

- HB 429 Modifies provisions relating to child placement
HB 430 Modifies provisions relating to benevolent tax credits

ADVERTISING AND SIGNS

- HB 273 Modifies provisions related to professional registration
HB 297 Modifies provisions relating to institutions of higher education
HB 476 Modifies provisions relating to professional registration

AGRICULTURE

- HB 476 Modifies provisions relating to professional registration
HB 574 Restricts the inspection of grounds or facilities used for certain agricultural purposes
HB 661 Modifies provisions relating to transportation (VETOED)

AGRICULTURE, DEPARTMENT OF

- SB 6 Enacts provisions relating to insurance
HB 6 Appropriates money for the Departments of Agriculture; Natural Resources; and Conservation
HB 369 Modifies provisions relating to land management
HB 476 Modifies provisions relating to professional registration
HB 574 Restricts the inspection of grounds or facilities used for certain agricultural purposes

ALCOHOL

- SB 126 Modifies provisions relating to the sale of intoxicating liquor

AMBULANCES AND AMBULANCE DISTRICTS

- SB 26 Creates provisions relating to public safety

ANIMALS

- SB 71 Modifies several provisions relating to civil proceedings
HB 369 Modifies provisions relating to land management
HB 574 Restricts the inspection of grounds or facilities used for certain agricultural purposes
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ANNEXATION

HB 297 Modifies provisions relating to institutions of higher education

APPROPRIATIONS

SCR 7 Urges support of state funding for a North Central Missouri Regional Water Commission project

HB 1 Appropriates money for the payment of public debt

HB 2 Appropriates money for the Department of Elementary and Secondary Education

HB 3 Appropriates money for the Department of Higher Education and Workforce Development

HB 4 Appropriates money for the Departments of Revenue and Transportation

HB 5 Appropriations money for the Office of Administration

HB 6 Appropriates money for the Departments of Agriculture; Natural Resources; and Conservation

HB 7 Appropriates money for the Departments of Economic Development; Commerce and Insurance; and Industrial Relations

HB 8 Appropriates money for the Department of Public Safety

HB 9 Appropriates money for the Department of Corrections

HB 10 Appropriates money for the Departments of Mental Health and Health

HB 11 Appropriates money for the Department of Social Services

HB 12 Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General

HB 13 Appropriates money for statewide leasing

HB 15 Appropriates money for supplemental purposes

HB 16 Appropriates money for supplemental purposes

HB 17 Reappropriations

HB 18 Appropriates money for maintenance and repair of state property

HB 19 Appropriates money for capital improvements

ARCHITECTS

HB 476 Modifies provisions relating to professional registration

ATHLETICS

HB 273 Modifies provisions related to professional registration

HB 297 Modifies provisions relating to institutions of higher education

ATTORNEY GENERAL

SB 53 Modifies provisions relating to the administration of justice

HB 12 Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General

HB 69 Modifies provisions relating to certain metals

HB 557 Modifies provisions relating to residential care facilities

HB 685 Modifies provisions relating to duties, qualifications of certain public officers (VETOED)

ATTORNEYS

SB 26 Creates provisions relating to public safety

ATTORNEYS, CONTINUED

- SB 53 Modifies provisions relating to the administration of justice
HB 297 Modifies provisions relating to institutions of higher education

AUDITOR, STATE

- HB 12 Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General

BANKS AND FINANCIAL INSTITUTIONS

- SB 6 Enacts provisions relating to insurance
SB 106 Modifies various provisions relating to financial institutions
HB 297 Modifies provisions relating to institutions of higher education
HB 734 Modifies provisions relating to utilities

BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS

- SB 49 Modifies provisions relating to public safety
SB 53 Modifies provisions relating to the administration of justice
SB 63 Modifies provisions relating to the monitoring of certain controlled substances
SB 262 Modifies provisions relating to transportation
HB 273 Modifies provisions related to professional registration
HB 402 Prohibits publishing of identifying information of lottery winners
HB 476 Modifies provisions relating to professional registration
HB 661 Modifies provisions relating to transportation (VETOED)
HB 697 Modifies provisions relating to property assessment contracts for energy efficiency

BOATS AND WATERCRAFT

- SB 49 Modifies provisions relating to public safety

BONDS — GENERAL OBLIGATION AND REVENUE

- HJR 35 Modifies the constitutional powers and duties of the State Treasurer
HB 734 Modifies provisions relating to utilities

BUSINESS AND COMMERCE

- SB 6 Enacts provisions relating to insurance
SB 51 Establishes provisions relating to civil actions arising from the COVID-19 pandemic
SB 176 Enacts provisions relating to emerging technologies
HB 69 Modifies provisions relating to certain metals
HB 273 Modifies provisions related to professional registration
HB 604 Modifies provisions relating to insurance

CAMPAIGN FINANCE

- HB 685 Modifies provisions relating to duties, qualifications of certain public officers (VETOED)
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CAPITAL IMPROVEMENTS

SB 262 Modifies provisions relating to transportation

CEMETERIES

HB 369 Modifies provisions relating to land management

CHARITIES

HB 69 Modifies provisions relating to certain metals

CHILDREN AND MINORS

SB 53 Modifies provisions relating to the administration of justice
SB 71 Modifies several provisions relating to civil proceedings
HB 297 Modifies provisions relating to institutions of higher education
HB 349 Establishes the "Missouri Empowerment Scholarship Accounts Program"
HB 429 Modifies provisions relating to child placement
HB 430 Modifies provisions relating to benevolent tax credits
HB 432 Modifies provisions relating to protection of vulnerable persons
HB 557 Modifies provisions relating to residential care facilities
HB 604 Modifies provisions relating to insurance
HB 661 Modifies provisions relating to transportation (VETOED)

CHILDREN'S DIVISION

HB 429 Modifies provisions relating to child placement
HB 430 Modifies provisions relating to benevolent tax credits
HB 432 Modifies provisions relating to protection of vulnerable persons
HB 557 Modifies provisions relating to residential care facilities

CITIES, TOWNS, AND VILLAGES

SB 26 Creates provisions relating to public safety
SB 53 Modifies provisions relating to the administration of justice
SB 153 Modifies provisions relating to taxation
HB 271 Modifies provisions relating to local governments

CIVIL PENALTIES

SB 63 Modifies provisions relating to the monitoring of certain controlled substances
HB 85 Creates additional protections to the right to bear arms
HB 273 Modifies provisions related to professional registration
HB 476 Modifies provisions relating to professional registration
HB 661 Modifies provisions relating to transportation (VETOED)

CIVIL PROCEDURE

SB 51 Establishes provisions relating to civil actions arising from the COVID-19 pandemic
HB 345 Modifies provisions relating to the enforcement of arbitration awards and intervention in court proceedings for insurance companies

CIVIL PROCEDURE, CONTINUED

- HB 369 Modifies provisions relating to land management
HB 604 Modifies provisions relating to insurance

COMMERCE AND INSURANCE, DEPARTMENT OF

- SB 6 Enacts provisions relating to insurance
SB 106 Modifies various provisions relating to financial institutions
HB 7 Appropriates money for the Departments of Economic Development; Commerce and Insurance; and Industrial Relations
HB 273 Modifies provisions related to professional registration
HB 476 Modifies provisions relating to professional registration
HB 604 Modifies provisions relating to insurance
HB 661 Modifies provisions relating to transportation (VETOED)

COMMERCIAL CODE

- SB 106 Modifies various provisions relating to financial institutions

COMPACTS

- HB 273 Modifies provisions related to professional registration
HB 476 Modifies provisions relating to professional registration

CONSERVATION, DEPARTMENT OF

- HB 6 Appropriates money for the Departments of Agriculture; Natural Resources; and Conservation
HB 369 Modifies provisions relating to land management

CONSTITUTIONAL AMENDMENTS

- SCR 4 Calls for an Article V convention of the states to propose amendments to the United States Constitution placing limits on the federal government
HJR 35 Modifies the constitutional powers and duties of the State Treasurer

CONSUMER PROTECTION

- SB 6 Enacts provisions relating to insurance
SB 176 Enacts provisions relating to emerging technologies
HB 69 Modifies provisions relating to certain metals
HB 604 Modifies provisions relating to insurance
HB 661 Modifies provisions relating to transportation (VETOED)

CONTRACTS AND CONTRACTORS

- SB 106 Modifies various provisions relating to financial institutions
HB 273 Modifies provisions related to professional registration
HB 297 Modifies provisions relating to institutions of higher education
HB 604 Modifies provisions relating to insurance
HB 697 Modifies provisions relating to property assessment contracts for energy efficiency
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CORPORATIONS

HB 734 Modifies provisions relating to utilities

CORRECTIONS, DEPARTMENT OF

SB 53 Modifies provisions relating to the administration of justice
HB 9 Appropriates money for the Department of Corrections

COSMETOLOGY

HB 273 Modifies provisions related to professional registration

COUNSELING

HB 273 Modifies provisions related to professional registration

COUNTIES

SB 26 Creates provisions relating to public safety
SB 53 Modifies provisions relating to the administration of justice
SB 153 Modifies provisions relating to taxation
HB 271 Modifies provisions relating to local governments
HB 297 Modifies provisions relating to institutions of higher education

COUNTY GOVERNMENT

SB 26 Creates provisions relating to public safety
SB 53 Modifies provisions relating to the administration of justice
HB 271 Modifies provisions relating to local governments

COUNTY OFFICIALS

SB 53 Modifies provisions relating to the administration of justice
HB 271 Modifies provisions relating to local governments
HB 297 Modifies provisions relating to institutions of higher education
HB 685 Modifies provisions relating to duties, qualifications of certain public officers (VETOED)

COURTS

HB 273 Modifies provisions related to professional registration
HB 432 Modifies provisions relating to protection of vulnerable persons
HB 557 Modifies provisions relating to residential care facilities

COURTS, JUVENILE

SB 53 Modifies provisions relating to the administration of justice

CRIMES AND PUNISHMENT

SB 49 Modifies provisions relating to public safety
SB 53 Modifies provisions relating to the administration of justice

CRIMES AND PUNISHMENT, CONTINUED

- SB 63 Modifies provisions relating to the monitoring of certain controlled substances
- HB 69 Modifies provisions relating to certain metals
- HB 273 Modifies provisions related to professional registration
- HB 476 Modifies provisions relating to professional registration
- HB 661 Modifies provisions relating to transportation (VETOED)

CRIMINAL PROCEDURE

- SB 26 Creates provisions relating to public safety
- SB 53 Modifies provisions relating to the administration of justice

DAIRIES AND DAIRY PRODUCTS

- HB 574 Restricts the inspection of grounds or facilities used for certain agricultural purposes

DISABILITIES

- HB 432 Modifies provisions relating to protection of vulnerable persons

DOMESTIC RELATIONS

- SB 71 Modifies several provisions relating to civil proceedings
- HB 432 Modifies provisions relating to protection of vulnerable persons

DRUGS AND CONTROLLED SUBSTANCES

- SB 63 Modifies provisions relating to the monitoring of certain controlled substances

ECONOMIC DEVELOPMENT

- SB 2 Modifies provisions relating to the Missouri Works program
- SB 5 Modifies provisions relating to advanced industrial manufacturing zones
- SB 57 Modifies provisions relating to funding to certain organizations to deter criminal behavior
- SB 120 Modifies provisions relating to military affairs

ECONOMIC DEVELOPMENT, DEPARTMENT OF

- SB 2 Modifies provisions relating to the Missouri Works program
- SB 36 Establishes the Capitol Complex Tax Credit Act
- SB 120 Modifies provisions relating to military affairs
- HB 7 Appropriates money for the Departments of Economic Development; Commerce and Insurance; and Industrial Relations

EDUCATION, ELEMENTARY AND SECONDARY

- SB 86 Creates new provisions prohibiting the use of public funds to influence elections
- SB 120 Modifies provisions relating to military affairs
- HB 349 Establishes the "Missouri Empowerment Scholarship Accounts Program"

EDUCATION, HIGHER

- HB 297 Modifies provisions relating to institutions of higher education
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EDUCATION, PROPRIETARY

HB 297 Modifies provisions relating to institutions of higher education

ELDERLY

HB 432 Modifies provisions relating to protection of vulnerable persons

ELECTIONS

SB 86 Creates new provisions prohibiting the use of public funds to influence elections

HB 297 Modifies provisions relating to institutions of higher education

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

SB 120 Modifies provisions relating to military affairs

HB 2 Appropriates money for the Department of Elementary and Secondary Education

HB 297 Modifies provisions relating to institutions of higher education

EMERGENCIES

SB 26 Creates provisions relating to public safety

SB 51 Establishes provisions relating to civil actions arising from the COVID-19 pandemic

EMPLOYEES — EMPLOYERS

SB 6 Enacts provisions relating to insurance

SB 120 Modifies provisions relating to military affairs

HB 604 Modifies provisions relating to insurance

ENERGY

HB 697 Modifies provisions relating to property assessment contracts for energy efficiency

HB 734 Modifies provisions relating to utilities

ENGINEERS

HB 273 Modifies provisions related to professional registration

HB 476 Modifies provisions relating to professional registration

ENTERTAINMENT, SPORTS AND AMUSEMENTS

HB 273 Modifies provisions related to professional registration

HB 297 Modifies provisions relating to institutions of higher education

ENVIRONMENTAL PROTECTION

SB 6 Enacts provisions relating to insurance

HB 604 Modifies provisions relating to insurance

HB 661 Modifies provisions relating to transportation (VETOED)

EVIDENCE

SB 53 Modifies provisions relating to the administration of justice

FAMILY LAW

SB 71 Modifies several provisions relating to civil proceedings
HB 429 Modifies provisions relating to child placement
HB 432 Modifies provisions relating to protection of vulnerable persons

FEDERAL — STATE RELATIONS

SCR 4 Calls for an Article V convention of the states to propose amendments to the United States Constitution placing limits on the federal government
SCR 6 Urges the United States Congress to resist any attempt to increase the number of Justices on the United States Supreme Court
SB 53 Modifies provisions relating to the administration of justice
SB 120 Modifies provisions relating to military affairs
HB 85 Creates additional protections to the right to bear arms
HB 661 Modifies provisions relating to transportation (VETOED)

FEES

SB 176 Enacts provisions relating to emerging technologies
HB 273 Modifies provisions related to professional registration
HB 476 Modifies provisions relating to professional registration

FENCES AND ENCLOSURES

SB 26 Creates provisions relating to public safety

FIRE PROTECTION

SB 45 Creates new provisions relating to certain firefighters who contracted certain types of cancer as a result of employment as a firefighter

FIREARMS

HB 85 Creates additional protections to the right to bear arms

FISHING AND HUNTING

HB 369 Modifies provisions relating to land management

FOOD

SB 176 Enacts provisions relating to emerging technologies
HB 273 Modifies provisions related to professional registration
HB 476 Modifies provisions relating to professional registration
HB 574 Restricts the inspection of grounds or facilities used for certain agricultural purposes

GAMBLING

- SB 26 Creates provisions relating to public safety
HB 402 Prohibits publishing of identifying information of lottery winners

GENERAL ASSEMBLY

- HB 12 Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General

GOVERNOR AND LT. GOVERNOR

- HB 12 Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

- SB 53 Modifies provisions relating to the administration of justice
HB 10 Appropriates money for the Departments of Mental Health and Health
HB 429 Modifies provisions relating to child placement
HB 432 Modifies provisions relating to protection of vulnerable persons

HEALTH CARE

- SB 51 Establishes provisions relating to civil actions arising from the COVID-19 pandemic
SB 53 Modifies provisions relating to the administration of justice
HB 273 Modifies provisions related to professional registration
HB 432 Modifies provisions relating to protection of vulnerable persons
HB 476 Modifies provisions relating to professional registration

HEALTH CARE PROFESSIONALS

- SB 51 Establishes provisions relating to civil actions arising from the COVID-19 pandemic
SB 63 Modifies provisions relating to the monitoring of certain controlled substances
HB 273 Modifies provisions related to professional registration

HEALTH, PUBLIC

- SB 51 Establishes provisions relating to civil actions arising from the COVID-19 pandemic

HIGHER EDUCATION AND WORKFORCE DEVELOPMENT, DEPARTMENT OF

- HB 3 Appropriates money for the Department of Higher Education and Workforce Development
HB 297 Modifies provisions relating to institutions of higher education

HIGHWAY PATROL

- SB 53 Modifies provisions relating to the administration of justice
SB 71 Modifies several provisions relating to civil proceedings
HB 661 Modifies provisions relating to transportation (VETOED)
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HISTORIC PRESERVATION

SB 36 Establishes the Capitol Complex Tax Credit Act

HOLIDAYS AND OBSERVANCES

SB 72 Creates a number of state designations, memorial highways, and the Missouri Medal of Honor Recipients Fund

SB 120 Modifies provisions relating to military affairs

HOSPITALS

SB 51 Establishes provisions relating to civil actions arising from the COVID-19 pandemic

SB 53 Modifies provisions relating to the administration of justice

INSURANCE — AUTOMOBILE

SB 6 Enacts provisions relating to insurance

SB 120 Modifies provisions relating to military affairs

HB 604 Modifies provisions relating to insurance

HB 661 Modifies provisions relating to transportation (VETOED)

INSURANCE — GENERAL

SB 6 Enacts provisions relating to insurance

SB 176 Enacts provisions relating to emerging technologies

HB 345 Modifies provisions relating to the enforcement of arbitration awards and intervention in court proceedings for insurance companies

HB 604 Modifies provisions relating to insurance

HB 661 Modifies provisions relating to transportation (VETOED)

INSURANCE — HEALTH

SB 6 Enacts provisions relating to insurance

HB 432 Modifies provisions relating to protection of vulnerable persons

HB 604 Modifies provisions relating to insurance

HB 661 Modifies provisions relating to transportation (VETOED)

INSURANCE — LIFE

SB 6 Enacts provisions relating to insurance

HB 604 Modifies provisions relating to insurance

HB 661 Modifies provisions relating to transportation (VETOED)

INSURANCE — PROPERTY

SB 6 Enacts provisions relating to insurance

HB 604 Modifies provisions relating to insurance

INTERSTATE COOPERATION

- SB 6 Enacts provisions relating to insurance
HB 273 Modifies provisions related to professional registration
HB 604 Modifies provisions relating to insurance

JUDGES

- SCR 6 Urges the United States Congress to resist any attempt to increase the number of Justices on the United States Supreme Court

KANSAS CITY

- SB 53 Modifies provisions relating to the administration of justice

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF

- HB 7 Appropriates money for the Departments of Economic Development; Commerce and Insurance; and Industrial Relations

LABOR AND MANAGEMENT

- SB 6 Enacts provisions relating to insurance

LAKES, RIVERS AND WATERWAYS

- SB 49 Modifies provisions relating to public safety

LAW ENFORCEMENT OFFICERS AND AGENCIES

- SB 26 Creates provisions relating to public safety
SB 53 Modifies provisions relating to the administration of justice
SB 57 Modifies provisions relating to funding to certain organizations to deter criminal behavior
HB 85 Creates additional protections to the right to bear arms
HB 369 Modifies provisions relating to land management
HB 574 Restricts the inspection of grounds or facilities used for certain agricultural purposes

LIABILITY

- SB 26 Creates provisions relating to public safety
SB 51 Establishes provisions relating to civil actions arising from the COVID-19 pandemic
HB 273 Modifies provisions related to professional registration
HB 345 Modifies provisions relating to the enforcement of arbitration awards and intervention in court proceedings for insurance companies
HB 369 Modifies provisions relating to land management
HB 476 Modifies provisions relating to professional registration

LICENSES — DRIVER'S

- SB 120 Modifies provisions relating to military affairs
SB 262 Modifies provisions relating to transportation
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LICENSES — LIQUOR AND BEER

SB 126 Modifies provisions relating to the sale of intoxicating liquor

LICENSES — MISCELLANEOUS

SB 49 Modifies provisions relating to public safety
HB 273 Modifies provisions related to professional registration
HB 297 Modifies provisions relating to institutions of higher education
HB 476 Modifies provisions relating to professional registration
HB 604 Modifies provisions relating to insurance

LICENSES — MOTOR VEHICLE

SB 189 Creates a Negro Leagues Baseball Museum special license plate
HB 661 Modifies provisions relating to transportation (VETOED)

LOTTERIES

HB 402 Prohibits publishing of identifying information of lottery winners

MEDICAID/MO HEALTHNET

SB 63 Modifies provisions relating to the monitoring of certain controlled substances
HB 432 Modifies provisions relating to protection of vulnerable persons

MEDICAL PROCEDURES AND PERSONNEL

SB 51 Establishes provisions relating to civil actions arising from the COVID-19 pandemic
HB 273 Modifies provisions related to professional registration
HB 476 Modifies provisions relating to professional registration

MENTAL HEALTH

SB 57 Modifies provisions relating to funding to certain organizations to deter criminal behavior
HB 273 Modifies provisions related to professional registration
HB 432 Modifies provisions relating to protection of vulnerable persons
HB 476 Modifies provisions relating to professional registration

MENTAL HEALTH, DEPARTMENT OF

HB 10 Appropriates money for the Departments of Mental Health and Health
HB 273 Modifies provisions related to professional registration
HB 476 Modifies provisions relating to professional registration

MERCHANDISING PRACTICES

SB 49 Modifies provisions relating to public safety
SB 176 Enacts provisions relating to emerging technologies
HB 69 Modifies provisions relating to certain metals

MERIT SYSTEM

SB 120 Modifies provisions relating to military affairs

MILITARY AFFAIRS

SB 2 Modifies provisions relating to the Missouri Works program

SB 120 Modifies provisions relating to military affairs

SB 258 Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military

HB 476 Modifies provisions relating to professional registration

MORTGAGES AND DEEDS

SB 106 Modifies various provisions relating to financial institutions

MOTOR CARRIERS

HB 661 Modifies provisions relating to transportation (VETOED)

MOTOR FUEL

SB 262 Modifies provisions relating to transportation

MOTOR VEHICLES

SB 26 Creates provisions relating to public safety

SB 49 Modifies provisions relating to public safety

SB 120 Modifies provisions relating to military affairs

SB 176 Enacts provisions relating to emerging technologies

SB 262 Modifies provisions relating to transportation

HB 604 Modifies provisions relating to insurance

HB 661 Modifies provisions relating to transportation (VETOED)

NATIONAL GUARD

SB 120 Modifies provisions relating to military affairs

SB 258 Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military

NATURAL RESOURCES, DEPARTMENT OF

SB 6 Enacts provisions relating to insurance

HB 6 Appropriates money for the Departments of Agriculture; Natural Resources; and Conservation

HB 369 Modifies provisions relating to land management

HB 574 Restricts the inspection of grounds or facilities used for certain agricultural purposes

HB 604 Modifies provisions relating to insurance

NURSES

SB 63 Modifies provisions relating to the monitoring of certain controlled substances

PARKS AND RECREATION

HB 369 Modifies provisions relating to land management

PHARMACY

SB 63 Modifies provisions relating to the monitoring of certain controlled substances
HB 273 Modifies provisions related to professional registration
HB 476 Modifies provisions relating to professional registration

PHYSICAL THERAPISTS

HB 273 Modifies provisions related to professional registration

PHYSICIANS

SB 63 Modifies provisions relating to the monitoring of certain controlled substances

POLITICAL SUBDIVISIONS

SB 5 Modifies provisions relating to advanced industrial manufacturing zones
SB 45 Creates new provisions relating to certain firefighters who contracted certain types of cancer as a result of employment as a firefighter
SB 86 Creates new provisions prohibiting the use of public funds to influence elections
SB 176 Enacts provisions relating to emerging technologies
HB 85 Creates additional protections to the right to bear arms
HB 271 Modifies provisions relating to local governments
HB 297 Modifies provisions relating to institutions of higher education
HB 734 Modifies provisions relating to utilities

PRISONS AND JAILS

SB 53 Modifies provisions relating to the administration of justice
HB 273 Modifies provisions related to professional registration
HB 476 Modifies provisions relating to professional registration

PROBATION AND PAROLE

SB 26 Creates provisions relating to public safety

PROFESSIONAL REGISTRATION AND LICENSING

SB 6 Enacts provisions relating to insurance
HB 273 Modifies provisions related to professional registration
HB 297 Modifies provisions relating to institutions of higher education
HB 476 Modifies provisions relating to professional registration
HB 604 Modifies provisions relating to insurance

PROPERTY, REAL AND PERSONAL

HB 273 Modifies provisions related to professional registration
HB 297 Modifies provisions relating to institutions of higher education

PROPERTY, REAL AND PERSONAL, CONTINUED

- HB 369 Modifies provisions relating to land management
- HB 476 Modifies provisions relating to professional registration
- HB 697 Modifies provisions relating to property assessment contracts for energy efficiency

PSYCHOLOGISTS

- HB 273 Modifies provisions related to professional registration
- HB 476 Modifies provisions relating to professional registration

PUBLIC OFFICERS

- HB 685 Modifies provisions relating to duties, qualifications of certain public officers (VETOED)

PUBLIC RECORDS, PUBLIC MEETINGS

- HB 297 Modifies provisions relating to institutions of higher education
- HB 362 Modifies provisions relating to the Missouri Sunshine Law and access to public records (VETOED)

PUBLIC SAFETY, DEPARTMENT OF

- SB 49 Modifies provisions relating to public safety
- SB 57 Modifies provisions relating to funding to certain organizations to deter criminal behavior
- SB 120 Modifies provisions relating to military affairs
- HB 8 Appropriates money for the Department of Public Safety
- HB 661 Modifies provisions relating to transportation (VETOED)

PUBLIC SERVICE COMMISSION

- SB 44 Modifies provisions related to utilities
- SB 262 Modifies provisions relating to transportation
- HB 734 Modifies provisions relating to utilities

REDISTRICTING

- HB 297 Modifies provisions relating to institutions of higher education

RELIGION

- HB 604 Modifies provisions relating to insurance

REVENUE, DEPARTMENT OF

- SB 120 Modifies provisions relating to military affairs
 - SB 153 Modifies provisions relating to taxation
 - SB 176 Enacts provisions relating to emerging technologies
 - SB 189 Creates a Negro Leagues Baseball Museum special license plate
 - SB 258 Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military
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REVENUE, DEPARTMENT OF, CONTINUED

- SB 262 Modifies provisions relating to transportation
HB 4 Appropriates money for the Departments of Revenue and Transportation
HB 604 Modifies provisions relating to insurance
HB 661 Modifies provisions relating to transportation (VETOED)

ROADS AND HIGHWAYS

- SB 72 Creates a number of state designations, memorial highways, and the Missouri Medal of Honor Recipients Fund
SB 258 Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military
SB 262 Modifies provisions relating to transportation
SB 520 Modifies provisions relating to the designation of memorial infrastructure

SAINT LOUIS CITY

- SB 72 Creates a number of state designations, memorial highways, and the Missouri Medal of Honor Recipients Fund
HB 69 Modifies provisions relating to certain metals

SAVINGS AND LOAN

- SB 106 Modifies various provisions relating to financial institutions
HB 297 Modifies provisions relating to institutions of higher education

SEARCH AND SEIZURE

- SB 26 Creates provisions relating to public safety
HB 369 Modifies provisions relating to land management

SECRETARY OF STATE

- HB 12 Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General

SECURITIES

- SB 6 Enacts provisions relating to insurance
HB 604 Modifies provisions relating to insurance

SEWERS AND SEWER DISTRICTS

- SB 44 Modifies provisions related to utilities

SEXUAL OFFENSES

- SB 53 Modifies provisions relating to the administration of justice
SB 262 Modifies provisions relating to transportation
HB 661 Modifies provisions relating to transportation (VETOED)
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SOCIAL SERVICES, DEPARTMENT OF

- HB 11 Appropriates money for the Department of Social Services
- HB 429 Modifies provisions relating to child placement
- HB 432 Modifies provisions relating to protection of vulnerable persons
- HB 557 Modifies provisions relating to residential care facilities

STATE DEPARTMENTS

- SB 120 Modifies provisions relating to military affairs

STATE EMPLOYEES

- SB 120 Modifies provisions relating to military affairs
- SB 258 Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military
- HB 476 Modifies provisions relating to professional registration

TAX CREDITS

- SB 36 Establishes the Capitol Complex Tax Credit Act
- HB 297 Modifies provisions relating to institutions of higher education
- HB 349 Establishes the "Missouri Empowerment Scholarship Accounts Program"
- HB 430 Modifies provisions relating to benevolent tax credits

TAX INCENTIVES

- HB 297 Modifies provisions relating to institutions of higher education

TAXATION AND REVENUE — GENERAL

- SB 153 Modifies provisions relating to taxation
- SB 262 Modifies provisions relating to transportation
- HB 297 Modifies provisions relating to institutions of higher education
- HB 349 Establishes the "Missouri Empowerment Scholarship Accounts Program"
- HB 661 Modifies provisions relating to transportation (VETOED)

TAXATION AND REVENUE — INCOME

- SB 5 Modifies provisions relating to advanced industrial manufacturing zones
- SB 120 Modifies provisions relating to military affairs
- SB 153 Modifies provisions relating to taxation
- SB 226 Modifies provisions relating to taxation (VETOED)
- HB 429 Modifies provisions relating to child placement
- HB 430 Modifies provisions relating to benevolent tax credits

TAXATION AND REVENUE — PROPERTY

- SB 226 Modifies provisions relating to taxation (VETOED)
 - HB 297 Modifies provisions relating to institutions of higher education
 - HB 697 Modifies provisions relating to property assessment contracts for energy efficiency
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TAXATION AND REVENUE — SALES AND USE

- SB 153 Modifies provisions relating to taxation
SB 226 Modifies provisions relating to taxation (VETOED)

TEACHERS

- HB 349 Establishes the "Missouri Empowerment Scholarship Accounts Program"

TELECOMMUNICATIONS

- SB 49 Modifies provisions relating to public safety

TRANSPORTATION

- SB 6 Enacts provisions relating to insurance
SB 49 Modifies provisions relating to public safety
SB 120 Modifies provisions relating to military affairs
SB 176 Enacts provisions relating to emerging technologies
SB 189 Creates a Negro Leagues Baseball Museum special license plate
SB 262 Modifies provisions relating to transportation
SB 520 Modifies provisions relating to the designation of memorial infrastructure
HB 661 Modifies provisions relating to transportation (VETOED)

TRANSPORTATION, DEPARTMENT OF

- SB 258 Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military
SB 262 Modifies provisions relating to transportation
SB 520 Modifies provisions relating to the designation of memorial infrastructure
HB 4 Appropriates money for the Departments of Revenue and Transportation
HB 661 Modifies provisions relating to transportation (VETOED)

TREASURER, STATE

- SB 57 Modifies provisions relating to funding to certain organizations to deter criminal behavior
HJR 35 Modifies the constitutional powers and duties of the State Treasurer
HB 12 Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General
HB 349 Establishes the "Missouri Empowerment Scholarship Accounts Program"

UTILITIES

- SB 44 Modifies provisions related to utilities
SB 262 Modifies provisions relating to transportation
HB 697 Modifies provisions relating to property assessment contracts for energy efficiency
HB 734 Modifies provisions relating to utilities

VETERANS

- SB 53 Modifies provisions relating to the administration of justice
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VETERANS, CONTINUED

- SB 72 Creates a number of state designations, memorial highways, and the Missouri Medal of Honor Recipients Fund
- SB 120 Modifies provisions relating to military affairs
- SB 258 Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military
- SB 520 Modifies provisions relating to the designation of memorial infrastructure

VICTIMS OF CRIME

- SB 26 Creates provisions relating to public safety
- SB 53 Modifies provisions relating to the administration of justice
- SB 71 Modifies several provisions relating to civil proceedings

VITAL STATISTICS

- HB 429 Modifies provisions relating to child placement
- HB 432 Modifies provisions relating to protection of vulnerable persons

WATER PATROL

- SB 49 Modifies provisions relating to public safety

WATER RESOURCES AND WATER DISTRICTS

- SCR 7 Urges support of state funding for a North Central Missouri Regional Water Commission project
- SB 44 Modifies provisions related to utilities

WORKERS COMPENSATION

- SB 303 Modifies various provisions relating to workers' compensation
- HB 604 Modifies provisions relating to insurance
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SUBJECT INDEX

FOR

ONE HUNDRED FIRST
GENERAL ASSEMBLY,

FIRST EXTRAORDINARY SESSION
(2021)

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101ST GENERAL ASSEMBLY, FIRST EXTRAORDINARY SESSION

AMBULANCES AND AMBULANCE DISTRICTS

- SB 1 Extends the sunset on certain health care provider federal reimbursement allowances and modifies provisions relating to certain family planning health care services

HEALTH CARE

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HEALTH CARE PROFESSIONALS

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HOSPITALS

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MEDICAID/MO HEALTHNET

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NURSING HOMES AND LONG-TERM CARE FACILITIES

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PHARMACY

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SOCIAL SERVICES, DEPARTMENT OF

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