

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 889

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

4259S.03P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 21.851, 32.088, 67.5125, 86.353, 99.1205, 100.260, 103.003, 103.005, 103.047, 103.083, 103.089, 103.095, 103.141, 103.175, 103.178, 104.352, 105.721, 130.034, 135.204, 135.276, 135.277, 135.279, 135.281, 135.283, 135.313, 135.530, 135.545, 135.546, 135.680, 135.682, 135.710, 135.766, 135.800, 135.980, 136.450, 142.1000, 143.173, 143.732, 143.1008, 143.1009, 143.1013, 143.1014, 143.1017, 143.1027, 143.1100, 148.370, 160.261, 160.405, 161.825, 161.1055, 167.225, 167.950, 171.034, 172.287, 173.196, 173.236, 173.680, 173.2510, 178.697, 184.350, 184.351, 184.352, 184.353, 184.355, 184.357, 184.359, 184.362, 184.384, 190.450, 191.211, 191.425, 191.828, 191.831, 191.950, 191.1075, 191.1080, 191.1085, 192.926, 199.020, 208.244, 208.471, 208.482, 208.627, 210.154, 210.1030, 215.263, 217.147, 217.151, 227.817, 252.300, 252.303, 252.306, 252.309, 252.312, 252.315, 252.318, 252.321, 252.324, 252.327, 252.330, 252.333, 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955, 260.960, 260.965, 301.140, 301.190, 301.213, 301.562, 313.270, 319.140, 320.092, 320.093, 332.304, 332.305, 334.153, 334.1135, 338.320, 354.215, 374.007, 375.330, 375.355, 375.380, 375.480, 376.170, 376.180, 376.190, 376.210, 376.220, 376.230, 376.240, 376.250, 376.260, 376.270, 376.309, 376.752, 377.005, 377.010, 377.020, 377.030, 377.040, 377.050, 377.060, 377.070, 377.080, 377.090, 377.100, 377.120, 377.150, 377.160, 377.170, 377.180, 377.190, 377.199, 377.200, 377.210, 377.220, 377.230, 377.240, 377.250, 377.260, 377.270, 377.280, 377.290, 377.300, 377.310, 377.320, 377.330, 377.340, 377.350, 377.360, 377.370, 377.380, 377.400, 377.420, 377.430, 377.450, 377.460,

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

379.205, 379.210, 379.215, 379.220, 379.225, 379.230, 379.235, 379.240, 379.245, 379.250, 379.255, 379.257, 379.260, 379.263, 379.265, 379.270, 379.275, 379.290, 379.295, 379.300, 379.316, 379.670, 379.700, 379.720, 379.1310, 382.070, 393.1072, 394.120, 414.407, 454.433, 454.470, 454.490, 454.849, 476.1000, 488.426, 559.117, 595.202, 620.570, 620.1020, 620.1910, 620.2020, 620.2100, 620.2600, 630.717, 633.420, and 640.030, RSMo, and section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, and to enact in lieu thereof fifty-eight new sections relating to repealing expired, terminated, sunset, and obsolete statutes, with existing penalty provisions.

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

	Section A.	Sections	21.851,	32.088,	67.5125,	86.353,
2	99.1205,	100.260,	103.003,	103.005,	103.047,	103.083,
3	103.089,	103.095,	103.141,	103.175,	103.178,	104.352,
4	105.721,	130.034,	135.204,	135.276,	135.277,	135.279,
5	135.281,	135.283,	135.313,	135.530,	135.545,	135.546,
6	135.680,	135.682,	135.710,	135.766,	135.800,	135.980,
7	136.450,	142.1000,	143.173,	143.732,	143.1008,	143.1009,
8	143.1013,	143.1014,	143.1017,	143.1027,	143.1100,	148.370,
9	160.261,	160.405,	161.825,	161.1055,	167.225,	167.950,
10	171.034,	172.287,	173.196,	173.236,	173.680,	173.2510,
11	178.697,	184.350,	184.351,	184.352,	184.353,	184.355,
12	184.357,	184.359,	184.362,	184.384,	190.450,	191.211,
13	191.425,	191.828,	191.831,	191.950,	191.1075,	191.1080,
14	191.1085,	192.926,	199.020,	208.244,	208.471,	208.482,
15	208.627,	210.154,	210.1030,	215.263,	217.147,	217.151,
16	227.817,	252.300,	252.303,	252.306,	252.309,	252.312,
17	252.315,	252.318,	252.321,	252.324,	252.327,	252.330,
18	252.333,	260.900,	260.905,	260.910,	260.915,	260.920,
19	260.925,	260.930,	260.935,	260.940,	260.945,	260.950,
20	260.955,	260.960,	260.965,	301.140,	301.190,	301.213,
	301.562,	313.270,	319.140,	320.092,	320.093,	332.304,
	332.305,	334.153,	334.1135,	338.320,	354.215,	374.007,
	375.330,	375.355,	375.380,			

21 375.480, 376.170, 376.180, 376.190, 376.210, 376.220, 376.230,
22 376.240, 376.250, 376.260, 376.270, 376.309, 376.752, 377.005,
23 377.010, 377.020, 377.030, 377.040, 377.050, 377.060, 377.070,
24 377.080, 377.090, 377.100, 377.120, 377.150, 377.160, 377.170,
25 377.180, 377.190, 377.199, 377.200, 377.210, 377.220, 377.230,
26 377.240, 377.250, 377.260, 377.270, 377.280, 377.290, 377.300,
27 377.310, 377.320, 377.330, 377.340, 377.350, 377.360, 377.370,
28 377.380, 377.400, 377.420, 377.430, 377.450, 377.460, 379.205,
29 379.210, 379.215, 379.220, 379.225, 379.230, 379.235, 379.240,
30 379.245, 379.250, 379.255, 379.257, 379.260, 379.263, 379.265,
31 379.270, 379.275, 379.290, 379.295, 379.300, 379.316, 379.670,
32 379.700, 379.720, 379.1310, 382.070, 393.1072, 394.120,
33 414.407, 454.433, 454.470, 454.490, 454.849, 476.1000, 488.426,
34 559.117, 595.202, 620.570, 620.1020, 620.1910, 620.2020,
35 620.2100, 620.2600, 630.717, 633.420, and 640.030, RSMo, and
36 section 167.910 as enacted by house bill no. 1606, ninety-ninth
37 general assembly, second regular session, and section 167.910
38 as enacted by house bill no. 1415, ninety-ninth general
39 assembly, second regular session, are repealed and fifty-eight
40 new sections enacted in lieu thereof, to be known as sections
41 86.353, 100.260, 103.003, 103.005, 103.047, 103.083, 103.089,
42 103.095, 103.141, 104.352, 105.721, 130.034, 135.204, 135.530,
43 135.800, 148.370, 160.261, 160.405, 167.225, 167.950, 173.2510,
44 178.697, 184.350, 184.351, 184.352, 184.353, 184.355, 184.357,
45 184.359, 184.362, 191.211, 191.828, 191.831, 208.244, 208.471,
46 217.151, 301.140, 301.190, 301.562, 313.270, 320.092, 375.330,
47 376.309, 379.316, 379.670, 379.720, 379.1310, 382.070, 394.120,
48 414.407, 454.433, 454.470, 454.490, 488.426, 620.570, 620.1020,
49 620.2020, and 630.717, to read as follows:

86.353. The right of any person to a benefit, any
2 other right accrued or accruing to any person under the
3 provisions of sections 86.200 to 86.366 and the moneys

4 created pursuant to sections 86.200 to 86.366 are not
5 subject to execution, garnishment, attachment or any other
6 process whatsoever and are unassignable except as in
7 sections 86.200 to 86.366 specifically provided.

8 Notwithstanding the foregoing, nothing in this section shall
9 prevent the board of trustees from honoring the terms of a
10 court order requiring the retirement system to pay all or
11 any portion of the retirement benefit otherwise payable to a
12 retired or disabled member to a third party to satisfy the
13 member's obligation to pay child support or maintenance.

14 Any relief association created pursuant to section 86.500
15 shall be exempt from the tax imposed by sections 143.011 to
16 ~~[143.1013]~~ **143.1006**.

100.260. 1. There are hereby created four special
2 funds, to be known as the "Industrial Development and
3 Reserve Fund", the "Industrial Development Guarantee Fund",
4 the "Export Finance Fund", and the "Jobs Now Fund", into
5 which the following may be deposited as and when received
6 and designated for deposit in one of such funds:

7 (1) Any moneys appropriated by the general assembly
8 for use by the board in carrying out the powers set forth in
9 sections 100.250 to 100.297;

10 (2) Any moneys made available through the issuance of
11 revenue bonds under the provisions of sections 100.250 to
12 100.295;

13 (3) Any moneys received from grants or which are
14 given, donated, or contributed to the fund from any source;

15 (4) Any moneys received in repayment of loans or from
16 application fees, reserve participation fees, guarantee fees
17 and premium payments as provided for under sections 100.250
18 to 100.297;

19 (5) Any moneys received as interest on deposits or as
20 income on approved investments of the fund;

21 (6) Any moneys obtained from the issuance of revenue
22 bonds or notes by the board;

23 (7) Any moneys that were in the industrial development
24 fund authorized by this section, the economic development
25 reserve authorized by section 620.215, or the industrial
26 revenue bond guarantee fund authorized by section 620.240,
27 respectively, as of September 28, 1985; and

28 (8) Any moneys obtained from any other available
29 source.

30 2. The development and reserve fund, the guarantee
31 fund, the jobs now fund, and the export finance fund shall
32 be administered by the board as provided in sections 100.250
33 to 100.297. Separate accounts may be created within the
34 development and reserve fund and the guarantee fund for
35 moneys specifically appropriated, donated or otherwise
36 received for industrial development purposes. The board may
37 also create such other separate accounts within any of such
38 funds as deemed necessary or appropriate by the board to
39 carry out the duties and purposes of sections 100.250 to
40 100.297. All such separate accounts may be administered by
41 a corporate trustee on behalf of the board upon the terms
42 and conditions established by the board.

43 3. Moneys in the jobs now fund, the development and
44 reserve fund, the guarantee fund, and the export finance
45 fund shall be invested by the board in the manner prescribed
46 by the board and any interest earned on invested moneys
47 shall accrue to the benefit of the respective fund.

48 4. None of the funds and accounts of the board shall
49 be considered a state fund, and money deposited therein may

50 not be appropriated therefrom, nor shall any money deposited
51 therein be subject to the provisions of section 33.080.

52 5. The commissioner of administration shall annually
53 calculate the increased amount of revenue to the state
54 treasury due to the provisions of sections 135.155, 135.286,
55 [135.546,] and subsection 7 of section 620.1039, as enacted
56 or modified by this act and shall allocate up to twelve
57 million dollars of such revenue to the jobs now fund.

103.003. As used in [sections 103.003 to 103.175] **this**
2 **chapter**, the following terms mean:

3 (1) "Actuarial reserves", the necessary funding
4 required to pay all the medical expenses for services
5 provided to members of the plan but for which the claims
6 have not yet been received by the claims administrator;

7 (2) "Actuary", a member of the American Academy of
8 Actuaries or who is an enrolled actuary under the Employee
9 Retirement Income Security Act of 1974;

10 (3) "Agency", a state-sponsored institution of higher
11 learning, political subdivision or governmental entity or
12 instrumentality;

13 (4) "Alternative delivery health care program", a plan
14 of covered benefits that pays medical expenses through an
15 alternate mechanism rather than on a fee-for-service basis.
16 This includes, but is not limited to, health maintenance
17 organizations and preferred provider organizations, all of
18 which shall include chiropractic physicians licensed under
19 chapter 331, in the provider networks or organizations;

20 (5) "Board", the board of trustees of the Missouri
21 consolidated health care plan;

22 (6) "Claims administrator", an agency contracted to
23 process medical claims submitted from providers or members
24 of the plan and their dependents;

25 (7) "Coordination of benefits", to work with another
26 group-sponsored health care plan which also covers a member
27 of the plan to ensure that both plans pay their appropriate
28 amount of the health care expenses incurred by the member;

29 (8) "Covered benefits", a schedule of covered
30 services, including chiropractic services, which are payable
31 under the plan;

32 (9) "Employee", any person employed full time by the
33 state or a participating member agency, or a person eligible
34 for coverage by a state-sponsored retirement system or a
35 retirement system sponsored by a participating member agency
36 of the plan;

37 (10) "Evidence of good health", medical information
38 supplied by a potential member of the plan that is reviewed
39 to determine the financial risk the person represents to the
40 plan and the corresponding determination of whether or not
41 he or she should be accepted into the plan;

42 (11) "Health care plan", any group medical benefit
43 plan providing coverage on an expense-incurred basis, any
44 HMO, any group service or indemnity contract issued by a
45 health plan of any type or description;

46 (12) "Medical benefits coverages" shall include
47 services provided by chiropractic physicians as well as
48 physicians licensed under chapter 334;

49 (13) "Medical expenses", costs for services performed
50 by a provider and covered under the plan;

51 (14) "Missouri consolidated health care plan benefit
52 fund account", the benefit trust fund account containing all
53 payroll deductions, payments, and income from all sources
54 for the plan;

55 (15) "Officer", an elected official of the state of
56 Missouri;

57 (16) "Participating higher education entity", a state-
58 sponsored institution of higher learning;

59 (17) "Participating member agency", a political
60 subdivision or governmental entity that has elected to join
61 the plan and has been accepted by the board;

62 (18) "Plan year", a twelve-month period designated by
63 the board which is used to calculate the annual rate
64 categories and the appropriate coverage;

65 (19) "Provider", a physician, hospital, pharmacist,
66 psychologist, chiropractic physician or other licensed
67 practitioner who or which provides health care services
68 within the respective scope of practice of such practitioner
69 pursuant to state law and regulation;

70 (20) "Retiree", a person who is not an employee and is
71 receiving or is entitled to receive an annuity benefit from
72 a state-sponsored retirement system or a retirement system
73 of a participating member agency of the plan or becomes
74 eligible for retirement benefits because of service with a
75 participating member agency.

103.005. For the purpose of covering medical expenses
2 of the officers, employees and retirees, the eligible
3 dependents of officers, employees and retirees and to the
4 surviving spouses and children of deceased officers,
5 employees and retirees of the state and participating member
6 agencies of the state, there is hereby created and
7 established a health care plan which shall be a body
8 corporate, which shall be under the management of the board
9 of trustees herein described, and shall be known as the
10 "Missouri Consolidated Health Care Plan". Notwithstanding
11 any provision of law to the contrary, such plan may sue and
12 be sued, transact business, contract, invest funds and hold
13 cash, securities and other property and shall be vested with

14 such other powers as may be necessary or proper to enable
15 it, its officers, employees, and agents to carry out fully
16 and effectively all the purposes of [sections 103.003 to
17 103.175] **this chapter**.

103.047. Each trustee shall be entitled to one vote.
2 Six trustees shall constitute a quorum for the transaction
3 of business and any official action of the board shall be
4 based on the majority vote of the trustees present. Unless
5 otherwise expressly provided in [sections 103.003 to
6 103.175] **this chapter**, a meeting need not be called or held
7 to make any decision on a matter before the board. Each
8 member must be sent by the executive director a copy of the
9 matter to be decided with full information on the question
10 from the files of the plan. The concurring decisions of six
11 trustees may decide the issue by signing a document
12 declaring their decision and sending the written document to
13 the executive director within fifteen days after the
14 document and information was mailed to the trustee. If any
15 trustee is not in agreement with the six trustees, the
16 matter is to be passed on at a regular board meeting or a
17 special meeting called for that purpose.

103.083. The board shall provide or contract, or both,
2 on its own behalf, for medical benefits coverage and
3 services for persons covered under [sections 103.003 to
4 103.175] **this chapter** and enrolled in the plan. The board
5 may contract for medical benefits coverage with alternative
6 delivery health care programs where available. Medical
7 expenses shall also include expenses for comparable benefits
8 for employees who rely solely on spiritual means through
9 prayer for healing.

103.089. Participants in the program of medical
2 benefits coverage provided by [sections 103.003 to 103.175]

3 **this chapter** who are eligible for Medicare benefits and who
4 are not eligible for the program of medical benefits
5 coverage provided under sections 103.083 to 103.098 to be
6 their primary plan of coverage benefits shall be provided
7 substantially similar benefits provided participants who are
8 not eligible for Medicare benefits. Medical benefits
9 coverage provided under [sections 103.003 to 103.175] **this**
10 **chapter** shall be coordinated with Medicare benefits for
11 participants covered by part A or part B, or both, of
12 Medicare benefits, or for participants eligible for but not
13 covered by part A or part B, or both, of Medicare benefits,
14 reduced by an amount determined by the claims administrator
15 to provide a benefit equivalent to the amount which would be
16 provided on a coordination of benefit basis for such
17 participants if such participants were covered by part A or
18 part B, or both, of Medicare benefits. As used in sections
19 103.083 to 103.098, the term "Medicare benefits" shall
20 include those medical benefits provided by Title XVIII, A
21 and B, Public Law 89-97, 1965 amendments to the federal
22 Social Security Act (42 U.S.C. Section 301, et seq.) and
23 amendments thereto. Any participating member agency having
24 employees or eligible retirees not covered by Medicare shall
25 authorize the plan at its option to enroll those individuals
26 for medical benefits as provided by Title XVIII, A and B,
27 Public Law 89-97, 1965 amendments to the federal Social
28 Security Act whenever they become eligible for such benefits
29 and the plan shall pay the premium for such enrollment on
30 behalf of that person. The Medicare premium amounts shall
31 be included in the rate established by the actuary for
32 providing medical benefits coverage to such a participating
33 member agency. Anyone not authorizing this Medicare
34 enrollment shall be denied coverage.

103.095. Notwithstanding any other provision of law to
2 the contrary, any member of the general assembly and any
3 elected state official holding a statewide elective state
4 office, who ceases to hold elective office, or any person
5 employed by the elected official or employed by a member of
6 the general assembly, whose employment is terminated because
7 such elected official or member of the general assembly
8 ceases to hold elective office, may elect to continue
9 insurance benefits to cover medical expenses provided under
10 [sections 103.003 to 103.175] **this chapter**, by paying the
11 cost of such benefits as determined by the board. If an
12 eligible person does not elect to continue the coverage
13 within thirty-one days from the last day of the month in
14 which the eligible person ceases to be an employee, he may
15 not later elect to be covered under this section.

103.141. The persons in each participating member
2 agency eligible for coverage by the plan shall include,
3 subject to the limitations contained in [sections 103.003 to
4 103.175] **this chapter**:

5 (1) All employees, retirees, former employees entitled
6 to a retirement benefit because of service with the
7 participating member agency, employees eligible for a
8 disability benefit from the participating member agency,
9 employees on a leave of absence, and their dependents;

10 (2) All persons, and their dependents, who become
11 employees of a participating member agency on or after the
12 date such agency becomes covered under the plan, and who
13 wish to enroll in the plan; and

14 (3) All persons who become eligible for retirement
15 benefits because of service with the participating member
16 agency, persons who become eligible for a disability benefit
17 from the participating member agency, and their

18 unemancipated dependents, on or after the date such
19 participating member agency becomes covered under the plan,
20 and who have been continuously covered by the benefits under
21 [sections 103.003 to 103.175] **this chapter** for at least the
22 shorter of:

23 (a) Two years prior to the date of disability of the
24 employee or his eligibility for normal or early retirement;
25 or

26 (b) From the initial date of eligibility for the
27 benefits provided by [sections 103.003 to 103.175] **this**
28 **chapter.**

104.352. 1. Each employee described in paragraph (b)
2 of subdivision (21) of section 104.010 shall be entitled to
3 the same insurance benefits provided under [sections 103.003
4 to 103.175] **chapter 103** to employees described in paragraph
5 (a) of subdivision (21) of section 104.010 to cover the
6 medical expenses of such employees and their spouses and
7 children. Such insurance benefits shall be made available
8 to employees described in paragraph (b) of subdivision (21)
9 of section 104.010 upon their initial employment as such
10 employees in the same manner provided for employees
11 described in paragraph (a) of subdivision (21) of section
12 104.010, and shall be continued during any period of time,
13 not to exceed one year, in which such employees are not paid
14 for full-time employment, so long as such employees pay the
15 same amount for such insurance benefits as is required of
16 employees described in paragraph (a) of subdivision (21) of
17 section 104.010 who continue receiving such insurance
18 benefits during a leave of absence without pay from their
19 employment with the state. Any employee described in
20 paragraph (b) of subdivision (21) of section 104.010 who is
21 reemployed by the general assembly or either house thereof,

22 or by any member of the general assembly while acting in his
23 official capacity as a member, by the thirteenth legislative
24 day of the session of the general assembly immediately
25 following the session of the general assembly in which such
26 employee was last so employed, without having elected to
27 discontinue the insurance benefits described in this
28 subsection, shall be entitled to continue such insurance
29 benefits without having to prove insurability for himself or
30 any of his covered dependents for whom he has paid for such
31 coverage continuously since last employed as an employee
32 described in paragraph (b) of subdivision (21) of section
33 104.010. Any employee described in paragraph (b) of
34 subdivision (21) of section 104.010 who is not reemployed by
35 the general assembly or either house thereof, or by any
36 member of the general assembly while acting in his official
37 capacity as a member, by the thirteenth legislative day of
38 the session of the general assembly immediately following
39 the session of the general assembly in which such employee
40 was last so employed, shall be deemed terminated as an
41 employee as of such thirteenth legislative day, and the
42 insurance benefits provided for such employee under this
43 subsection and [sections 103.003 to 103.175] **chapter 103**
44 shall be terminated as provided for employees described in
45 paragraph (a) of subdivision (21) of section 104.010 whose
46 employment is terminated. During each month of service in
47 which an employee described in paragraph (b) of subdivision
48 (21) of section 104.010 is employed, the state shall make
49 any contribution required by [sections 103.003 to 103.175]
50 **chapter 103** for such employee.

51 2. Any employee described in paragraph (b) of
52 subdivision (21) of section 104.010 who is actively employed
53 on or after September 28, 1992, shall be deemed vested for

54 purposes of determining eligibility for benefits under
55 sections 104.320 to 104.620 after being so employed for at
56 least sixty months.

105.721. 1. The commissioner of administration may,
2 in his discretion, direct that any or all of the moneys
3 appropriated to the state legal expense fund be expended to
4 procure one or more policies of insurance to insure against
5 all or any portion of the potential liabilities of the state
6 of Missouri or its agencies, officers, and employees.

7 2. Until July 1, 1996, the commissioner of
8 administration may procure one or more policies of insurance
9 or reinsurance to insure against all potential losses from
10 liabilities incurred by the state legal expense fund under
11 paragraphs (d) and (e) of subdivision (3) of subsection 2 of
12 section 105.711. [On or before January 1, 1996, the
13 commissioner of administration shall prepare and distribute
14 a report regarding the cost effectiveness of insuring
15 against potential losses to the state under paragraphs (d)
16 and (e) of subdivision (3) of subsection 2 of section
17 105.711, by the direct purchase of an insurance policy or
18 policies as compared to self-insuring against such losses
19 through appropriations to the state legal expense fund under
20 section 105.711. The report shall be submitted to the
21 governor, the speaker of the house of representatives, the
22 president pro tempore of the senate, and upon request to any
23 member of the general assembly.]

24 3. After consultation with the state courts
25 administrator, the commissioner of administration shall
26 procure such surety bonds as are required by statute and
27 such surety bonds as he deems necessary to protect the state
28 against loss from the acts or omissions of any person within
29 the judiciary that receives compensation from the state. No

30 other bond for such person shall be required for the
31 protection of the state. A copy of any bond procured
32 pursuant to this section shall be filed with the secretary
33 of state.

130.034. 1. Contributions as defined in section
2 130.011, received by any committee shall not be converted to
3 any personal use.

4 2. Contributions may be used for any purpose allowed
5 by law including, but not limited to:

6 (1) Any ordinary expenses incurred relating to a
7 campaign;

8 (2) Any ordinary and necessary expenses incurred in
9 connection with the duties of a holder of elective office;

10 (3) Any expenses associated with the duties of
11 candidacy or of elective office pertaining to the
12 entertaining of or providing social courtesies to
13 constituents, professional associations, or other holders of
14 elective office;

15 (4) The return of any contribution to the person who
16 made the contribution to the candidate or holder of elective
17 office;

18 (5) To contribute to a political organization or
19 candidate committee as allowed by law;

20 (6) To establish a new committee as defined by this
21 chapter;

22 (7) To make an unconditional gift which is fully
23 vested to any charitable, fraternal or civic organizations
24 or other associations formed to provide for some good in the
25 order of benevolence, if such candidate, former candidate or
26 holder of elective office or such person's immediate family
27 gain no direct financial benefit from the unconditional
28 gift[;]

29 (8) Except when such candidate, former candidate or
30 holder of elective office dies while the committee remains
31 in existence, the committee may make an unconditional gift
32 to a fund established for the benefit of the spouse and
33 children of the candidate, former candidate or holder of
34 elective office. The provisions of this subdivision shall
35 expire October 1, 1997].

36 3. Upon the death of the candidate, former candidate
37 or holder of elective office who received such
38 contributions, all contributions shall be disposed of
39 according to this section and any funds remaining after
40 final settlement of the candidate's decedent's estate, or if
41 no estate is opened, then twelve months after the
42 candidate's death, will escheat to the state of Missouri to
43 be deposited in the general revenue fund.

44 4. No contributions, as defined in section 130.011,
45 received by a candidate, former candidate or holder of
46 elective office shall be used to make restitution payments
47 ordered of such individual by a court of law or for the
48 payment of any fine resulting from conviction of a violation
49 of any local, state or federal law.

50 5. Committees described in subdivision (18) of section
51 130.011 shall make expenditures only for the purpose of
52 determining whether an individual will be a candidate. Such
53 expenditures include polling information, mailings, personal
54 appearances, telephone expenses, office and travel expenses
55 but may not include contributions to other candidate
56 committees.

57 6. Any moneys in the exploratory committee fund may be
58 transferred to the candidate committee upon declaration of
59 candidacy for the position being explored. Such funds shall
60 be included for the purposes of reporting and limitation.

61 In the event that candidacy is not declared for the position
62 being explored, the remaining exploratory committee funds
63 shall be returned to the contributors on a pro rata basis.
64 In no event shall the amount returned exceed the amount
65 given by each contributor nor be less than ten dollars.

66 7. Funds held in candidate committees, campaign
67 committees, debt service committees, and exploratory
68 committees shall be liquid such that these funds shall be
69 readily available for the specific and limited purposes
70 allowed by law. These funds may be invested only in short-
71 term treasury instruments or short-term bank certificates
72 with durations of one year or less, or that allow the
73 removal of funds at any time without any additional
74 financial penalty other than the loss of interest income.
75 Continuing committees, political party committees, and other
76 committees such as out-of-state committees not formed for
77 the benefit of any single candidate or ballot issue shall
78 not be subject to the provisions of this subsection. This
79 subsection shall not be interpreted to restrict the
80 placement of funds in an interest-bearing checking account.

135.204. The repeal and reenactment of sections
2 99.918, 99.1082, 135.205, 135.207, 135.230, 135.530,
3 135.903, 135.953, [215.263,] and 620.1023 of section A of
4 this act shall become effective on April 1, 2011, or when
5 the United States Census Bureau's American Community Survey,
6 based on the most recent of five-year period estimate data
7 in which the final year of the estimate period ends in zero
8 becomes available, which first occurs. The commissioner of
9 the office of administration shall notify the revisor of
10 statutes when the updated United States Census Bureau data
11 has been released.

135.530. For the purposes of sections 100.010,
2 100.710, 100.850, 135.110, 135.200, 135.258, [135.313,]
3 135.403, 135.405, 135.503, 135.530, [135.545,] 215.030,
4 348.300, 348.302, and 620.1400 to 620.1460, "distressed
5 community" means either a Missouri municipality within a
6 metropolitan statistical area which has a median household
7 income of under seventy percent of the median household
8 income for the metropolitan statistical area, according to
9 the United States Census Bureau's American Community Survey,
10 based on the most recent of five-year period estimate data
11 in which the final year of the estimate ends in either zero
12 or five, or a United States census block group or contiguous
13 group of block groups within a metropolitan statistical area
14 which has a population of at least two thousand five
15 hundred, and each block group having a median household
16 income of under seventy percent of the median household
17 income for the metropolitan area in Missouri, according to
18 the United States Census Bureau's American Community Survey,
19 based on the most recent of five-year period estimate data
20 in which the final year of the estimate ends in either zero
21 or five. In addition the definition shall include
22 municipalities not in a metropolitan statistical area, with
23 a median household income of under seventy percent of the
24 median household income for the nonmetropolitan areas in
25 Missouri according to the United States Census Bureau's
26 American Community Survey, based on the most recent of five-
27 year period estimate data in which the final year of the
28 estimate ends in either zero or five or a census block group
29 or contiguous group of block groups which has a population
30 of at least two thousand five hundred with each block group
31 having a median household income of under seventy percent of
32 the median household income for the nonmetropolitan areas of

33 Missouri, according to the United States Census Bureau's
34 American Community Survey, based on the most recent of five-
35 year period estimate data in which the final year of the
36 estimate ends in either zero or five. In metropolitan
37 statistical areas, the definition shall include areas that
38 were designated as either a federal empowerment zone; or a
39 federal enhanced enterprise community; or a state enterprise
40 zone that was originally designated before January 1, 1986,
41 but shall not include expansions of such state enterprise
42 zones done after March 16, 1988.

135.800. 1. The provisions of sections 135.800 to
2 135.830 shall be known and may be cited as the "Tax Credit
3 Accountability Act of 2004".

4 2. As used in sections 135.800 to 135.830, the
5 following terms mean:

6 (1) "Administering agency", the state agency or
7 department charged with administering a particular tax
8 credit program, as set forth by the program's enacting
9 statute; where no department or agency is set forth, the
10 department of revenue;

11 (2) "Agricultural tax credits", the agricultural
12 product utilization contributor tax credit created pursuant
13 to section 348.430, the new generation cooperative incentive
14 tax credit created pursuant to section 348.432, the family
15 farm breeding livestock loan tax credit created under
16 section 348.505, the qualified beef tax credit created under
17 section 135.679, and the wine and grape production tax
18 credit created pursuant to section 135.700;

19 (3) "Business recruitment tax credits", the business
20 facility tax credit created pursuant to sections 135.110 to
21 135.150 and section 135.258, the enterprise zone tax
22 benefits created pursuant to sections 135.200 to 135.270,

23 the business use incentives for large-scale development
24 programs created pursuant to sections 100.700 to 100.850,
25 the development tax credits created pursuant to sections
26 32.100 to 32.125, the rebuilding communities tax credit
27 created pursuant to section 135.535, the film production tax
28 credit created pursuant to section 135.750, the enhanced
29 enterprise zone created pursuant to sections 135.950 to
30 135.970, and the Missouri quality jobs program created
31 pursuant to sections 620.1875 to 620.1900;

32 (4) "Community development tax credits", the
33 neighborhood assistance tax credit created pursuant to
34 sections 32.100 to 32.125[,] **and** the family development
35 account tax credit created pursuant to sections 208.750 to
36 208.775[, the dry fire hydrant tax credit created pursuant
37 to section 320.093, and the transportation development tax
38 credit created pursuant to section 135.545];

39 (5) "Domestic and social tax credits", the youth
40 opportunities tax credit created pursuant to section 135.460
41 and sections 620.1100 to 620.1103, the shelter for victims
42 of domestic violence created pursuant to section 135.550,
43 the senior citizen or disabled person property tax credit
44 created pursuant to sections 135.010 to 135.035, the
45 adoption tax credit created pursuant to sections 135.325 to
46 135.339, the champion for children tax credit created
47 pursuant to section 135.341, the maternity home tax credit
48 created pursuant to section 135.600, the surviving spouse
49 tax credit created pursuant to section 135.090, the
50 residential treatment agency tax credit created pursuant to
51 section 135.1150, the pregnancy resource center tax credit
52 created pursuant to section 135.630, the food pantry tax
53 credit created pursuant to section 135.647, the residential
54 dwelling access tax credit created pursuant to section

55 135.562, the developmental disability care provider tax
56 credit created under section 135.1180, the shared care tax
57 credit created pursuant to section 192.2015, the health,
58 hunger, and hygiene tax credit created pursuant to section
59 135.1125, and the diaper bank tax credit created pursuant to
60 section 135.621;

61 (6) "Entrepreneurial tax credits", the capital tax
62 credit created pursuant to sections 135.400 to 135.429, the
63 certified capital company tax credit created pursuant to
64 sections 135.500 to 135.529, the seed capital tax credit
65 created pursuant to sections 348.300 to 348.318, the new
66 enterprise creation tax credit created pursuant to sections
67 620.635 to 620.653, the research tax credit created pursuant
68 to section 620.1039, the small business incubator tax credit
69 created pursuant to section 620.495, [the guarantee fee tax
70 credit created pursuant to section 135.766,] and the new
71 generation cooperative tax credit created pursuant to
72 sections 32.105 to 32.125;

73 (7) "Environmental tax credits", [the charcoal
74 producer tax credit created pursuant to section 135.313,]
75 the wood energy tax credit created pursuant to sections
76 135.300 to 135.311[, and the alternative fuel stations tax
77 credit created pursuant to section 135.710];

78 (8) "Financial and insurance tax credits", the bank
79 franchise tax credit created pursuant to section 148.030,
80 the bank tax credit for S corporations created pursuant to
81 section 143.471, the exam fee tax credit created pursuant to
82 section 148.400, the health insurance pool tax credit
83 created pursuant to section 376.975, the life and health
84 insurance guaranty tax credit created pursuant to section
85 376.745, the property and casualty guaranty tax credit
86 created pursuant to section 375.774, and the self-employed

87 health insurance tax credit created pursuant to section
88 143.119;

89 (9) "Housing tax credits", the neighborhood
90 preservation tax credit created pursuant to sections 135.475
91 to 135.487, the low-income housing tax credit created
92 pursuant to sections 135.350 to 135.363, and the affordable
93 housing tax credit created pursuant to sections 32.105 to
94 32.125;

95 (10) "Recipient", the individual or entity who both:

96 (a) Is the original applicant for a tax credit; and

97 (b) Who directly receives a tax credit or the right to
98 transfer a tax credit under a tax credit program, regardless
99 as to whether the tax credit has been used or redeemed; a
100 recipient shall not include the transferee of a transferable
101 tax credit;

102 (11) "Redevelopment tax credits", the historic
103 preservation tax credit created pursuant to sections 253.545
104 to 253.559, the brownfield redevelopment program tax credit
105 created pursuant to sections 447.700 to 447.718, the
106 community development corporations tax credit created
107 pursuant to sections 135.400 to 135.430, the infrastructure
108 tax credit created pursuant to subsection 6 of section
109 100.286, the bond guarantee tax credit created pursuant to
110 section 100.297, **and** the disabled access tax credit created
111 pursuant to section 135.490[, the new markets tax credit
112 created pursuant to section 135.680, and the distressed
113 areas land assemblage tax credit created pursuant to section
114 99.1205];

115 (12) "Tax credit program", any of the tax credit
116 programs included in the definitions of agricultural tax
117 credits, business recruitment tax credits, community
118 development tax credits, domestic and social tax credits,

119 entrepreneurial tax credits, environmental tax credits,
120 housing tax credits, redevelopment tax credits, and training
121 and educational tax credits;

122 (13) "Training and educational tax credits", the
123 Missouri works new jobs tax credit and Missouri works
124 retained jobs credit created pursuant to sections 620.800 to
125 620.809.

148.370. Every insurance company or association
2 organized under the laws of the state of Missouri and doing
3 business under the provisions of sections 376.010 to
4 376.670, [379.205 to 379.310,] 379.650 to 379.790 and
5 chapter 381 and every mutual fire insurance company
6 organized under the provisions of sections 379.010 to
7 379.190 shall, as hereinafter provided, quarterly pay,
8 beginning with the year 1983, a tax upon the direct premiums
9 received by it from policyholders in this state, whether in
10 cash or in notes, or on account of business done in this
11 state, in lieu of the taxes imposed under the provisions of
12 chapters 143 and 147 for insurance of life, property or
13 interest in this state, at the rate of two percent per
14 annum, which amount of taxes shall be assessed and collected
15 as hereinafter provided; provided, that fire and casualty
16 insurance companies or associations shall be credited with
17 cancelled or returned premiums actually paid during the year
18 in this state, and that life insurance companies shall be
19 credited with dividends actually declared to policyholders
20 in this state but held by the company and applied to the
21 reduction of premiums payable by the policyholder.

160.261. 1. The local board of education of each
2 school district shall clearly establish a written policy of
3 discipline[, including the district's determination on the
4 use of corporal punishment and the procedures in which

5 punishment will be applied. A written copy of the
6 district's discipline policy and corporal punishment
7 procedures, if applicable, shall be provided to the pupil
8 and parent or legal guardian of every pupil enrolled in the
9 district at the beginning of each school year and also made
10 available in the office of the superintendent of such
11 district, during normal business hours, for public
12 inspection. No pupil shall be subject to corporal
13 punishment procedures outlined in the discipline and
14 corporal punishment policy without a parent or guardian
15 being notified and providing written permission for the
16 corporal punishment. All employees of the district shall
17 annually receive instruction related to the specific
18 contents of the policy of discipline and any interpretations
19 necessary to implement the provisions of the policy in the
20 course of their duties, including but not limited to
21 approved methods of dealing with acts of school violence,
22 disciplining students with disabilities and instruction in
23 the necessity and requirements for confidentiality] **as**
24 **provided in this section.**

25 2. The policy shall require school administrators to
26 report acts of school violence to all teachers at the
27 attendance center and, in addition, to other school district
28 employees with a need to know. For the purposes of this
29 chapter or chapter 167, "need to know" is defined as school
30 personnel who are directly responsible for the student's
31 education or who otherwise interact with the student on a
32 professional basis while acting within the scope of their
33 assigned duties. As used in this section, the phrase "act
34 of school violence" or "violent behavior" means the exertion
35 of physical force by a student with the intent to do serious
36 physical injury as defined in section 556.061 to another

37 person while on school property, including a school bus in
38 service on behalf of the district, or while involved in
39 school activities. The policy shall at a minimum require
40 school administrators to report, as soon as reasonably
41 practical, to the appropriate law enforcement agency any of
42 the following crimes, or any act which if committed by an
43 adult would be one of the following crimes:

- 44 (1) First degree murder under section 565.020;
- 45 (2) Second degree murder under section 565.021;
- 46 (3) Kidnapping under section 565.110 as it existed
47 prior to January 1, 2017, or kidnapping in the first degree
48 under section 565.110;
- 49 (4) First degree assault under section 565.050;
- 50 (5) Rape in the first degree under section 566.030;
- 51 (6) Sodomy in the first degree under section 566.060;
- 52 (7) Burglary in the first degree under section 569.160;
- 53 (8) Burglary in the second degree under section
54 569.170;
- 55 (9) Robbery in the first degree under section 569.020
56 as it existed prior to January 1, 2017, or robbery in the
57 first degree under section 570.023;
- 58 (10) Distribution of drugs under section 195.211 as it
59 existed prior to January 1, 2017, or manufacture of a
60 controlled substance under section 579.055;
- 61 (11) Distribution of drugs to a minor under section
62 195.212 as it existed prior to January 1, 2017, or delivery
63 of a controlled substance under section 579.020;
- 64 (12) Arson in the first degree under section 569.040;
- 65 (13) Voluntary manslaughter under section 565.023;
- 66 (14) Involuntary manslaughter under section 565.024 as
67 it existed prior to January 1, 2017, involuntary
68 manslaughter in the first degree under section 565.024, or

69 involuntary manslaughter in the second degree under section
70 565.027;

71 (15) Second degree assault under section 565.060 as it
72 existed prior to January 1, 2017, or second degree assault
73 under section 565.052;

74 (16) Rape in the second degree under section 566.031;

75 (17) Felonious restraint under section 565.120 as it
76 existed prior to January 1, 2017, or kidnapping in the
77 second degree under section 565.120;

78 (18) Property damage in the first degree under section
79 569.100;

80 (19) The possession of a weapon under chapter 571;

81 (20) Child molestation in the first degree pursuant to
82 section 566.067 as it existed prior to January 1, 2017, or
83 child molestation in the first, second, or third degree
84 pursuant to section 566.067, 566.068, or 566.069;

85 (21) Sodomy in the second degree pursuant to section
86 566.061;

87 (22) Sexual misconduct involving a child pursuant to
88 section 566.083;

89 (23) Sexual abuse in the first degree pursuant to
90 section 566.100;

91 (24) Harassment under section 565.090 as it existed
92 prior to January 1, 2017, or harassment in the first degree
93 under section 565.090; or

94 (25) Stalking under section 565.225 as it existed
95 prior to January 1, 2017, or stalking in the first degree
96 under section 565.225;

97 committed on school property, including but not limited to
98 actions on any school bus in service on behalf of the
99 district or while involved in school activities. The policy

100 shall require that any portion of a student's individualized
101 education program that is related to demonstrated or
102 potentially violent behavior shall be provided to any
103 teacher and other school district employees who are directly
104 responsible for the student's education or who otherwise
105 interact with the student on an educational basis while
106 acting within the scope of their assigned duties. The
107 policy shall also contain the consequences of failure to
108 obey standards of conduct set by the local board of
109 education, and the importance of the standards to the
110 maintenance of an atmosphere where orderly learning is
111 possible and encouraged.

112 3. The policy shall provide that any student who is on
113 suspension for any of the offenses listed in subsection 2 of
114 this section or any act of violence or drug-related activity
115 defined by school district policy as a serious violation of
116 school discipline pursuant to subsection 9 of this section
117 shall have as a condition of his or her suspension the
118 requirement that such student is not allowed, while on such
119 suspension, to be within one thousand feet of any school
120 property in the school district where such student attended
121 school or any activity of that district, regardless of
122 whether or not the activity takes place on district property
123 unless:

124 (1) Such student is under the direct supervision of
125 the student's parent, legal guardian, or custodian and the
126 superintendent or the superintendent's designee has
127 authorized the student to be on school property;

128 (2) Such student is under the direct supervision of
129 another adult designated by the student's parent, legal
130 guardian, or custodian, in advance, in writing, to the
131 principal of the school which suspended the student and the

132 superintendent or the superintendent's designee has
133 authorized the student to be on school property;

134 (3) Such student is enrolled in and attending an
135 alternative school that is located within one thousand feet
136 of a public school in the school district where such student
137 attended school; or

138 (4) Such student resides within one thousand feet of
139 any public school in the school district where such student
140 attended school in which case such student may be on the
141 property of his or her residence without direct adult
142 supervision.

143 4. Any student who violates the condition of
144 suspension required pursuant to subsection 3 of this section
145 may be subject to expulsion or further suspension pursuant
146 to the provisions of sections 167.161, 167.164, and
147 167.171. In making this determination consideration shall
148 be given to whether the student poses a threat to the safety
149 of any child or school employee and whether such student's
150 unsupervised presence within one thousand feet of the school
151 is disruptive to the educational process or undermines the
152 effectiveness of the school's disciplinary policy. Removal
153 of any pupil who is a student with a disability is subject
154 to state and federal procedural rights. This section shall
155 not limit a school district's ability to:

156 (1) Prohibit all students who are suspended from being
157 on school property or attending an activity while on
158 suspension;

159 (2) Discipline students for off-campus conduct that
160 negatively affects the educational environment to the extent
161 allowed by law.

162 5. The policy shall provide for a suspension for a
163 period of not less than one year, or expulsion, for a

164 student who is determined to have brought a weapon to
165 school, including but not limited to the school playground
166 or the school parking lot, brought a weapon on a school bus
167 or brought a weapon to a school activity whether on or off
168 of the school property in violation of district policy,
169 except that:

170 (1) The superintendent or, in a school district with
171 no high school, the principal of the school which such child
172 attends may modify such suspension on a case-by-case basis;
173 and

174 (2) This section shall not prevent the school district
175 from providing educational services in an alternative
176 setting to a student suspended under the provisions of this
177 section.

178 6. For the purpose of this section, the term "weapon"
179 shall mean a firearm as defined under 18 U.S.C. Section 921
180 and the following items, as defined in section 571.010: a
181 blackjack, a concealable firearm, an explosive weapon, a
182 firearm, a firearm silencer, a gas gun, a knife, knuckles, a
183 machine gun, a projectile weapon, a rifle, a shotgun, a
184 spring gun or a switchblade knife; except that this section
185 shall not be construed to prohibit a school board from
186 adopting a policy to allow a Civil War reenactor to carry a
187 Civil War era weapon on school property for educational
188 purposes so long as the firearm is unloaded. The local
189 board of education shall define weapon in the discipline
190 policy. Such definition shall include the weapons defined
191 in this subsection but may also include other weapons.

192 7. All school district personnel responsible for the
193 care and supervision of students are authorized to hold
194 every pupil strictly accountable for any disorderly conduct
195 in school or on any property of the school, on any school

196 bus going to or returning from school, during school-
197 sponsored activities, or during intermission or recess
198 periods.

199 8. Teachers and other authorized district personnel in
200 public schools responsible for the care, supervision, and
201 discipline of schoolchildren, including volunteers selected
202 with reasonable care by the school district, shall not be
203 civilly liable when acting in conformity with the
204 established policies developed by each board, including but
205 not limited to policies of student discipline or when
206 reporting to his or her supervisor or other person as
207 mandated by state law acts of school violence or threatened
208 acts of school violence, within the course and scope of the
209 duties of the teacher, authorized district personnel or
210 volunteer, when such individual is acting in conformity with
211 the established policies developed by the board. Nothing in
212 this section shall be construed to create a new cause of
213 action against such school district, or to relieve the
214 school district from liability for the negligent acts of
215 such persons.

216 9. Each school board shall define in its discipline
217 policy acts of violence and any other acts that constitute a
218 serious violation of that policy. "Acts of violence" as
219 defined by school boards shall include but not be limited to
220 exertion of physical force by a student with the intent to
221 do serious bodily harm to another person while on school
222 property, including a school bus in service on behalf of the
223 district, or while involved in school activities. School
224 districts shall for each student enrolled in the school
225 district compile and maintain records of any serious
226 violation of the district's discipline policy. Such records
227 shall be made available to teachers and other school

228 district employees with a need to know while acting within
229 the scope of their assigned duties, and shall be provided as
230 required in section 167.020 to any school district in which
231 the student subsequently attempts to enroll.

232 10. [Spanking, when administered by certificated
233 personnel and in the presence of a witness who is an
234 employee of the school district, or] The use of reasonable
235 force to protect persons or property, when administered by
236 personnel of a school district in a reasonable manner in
237 accordance with the local board of education's written
238 policy of discipline, is not abuse within the meaning of
239 chapter 210.

240 11. Upon receipt of any reports of child abuse by the
241 children's division pursuant to sections 210.110 to 210.165
242 which allegedly involve personnel of a school district, the
243 children's division shall notify the superintendent of
244 schools of the district or, if the person named in the
245 alleged incident is the superintendent of schools, the
246 president of the school board of the school district where
247 the alleged incident occurred.

248 12. In order to ensure the safety of all students,
249 should a student be expelled for bringing a weapon to
250 school, violent behavior, or for an act of school violence,
251 that student shall not, for the purposes of the
252 accreditation process of the Missouri school improvement
253 plan, be considered a dropout or be included in the
254 calculation of that district's educational persistence ratio.

160.405. 1. A person, group or organization seeking
2 to establish a charter school shall submit the proposed
3 charter, as provided in this section, to a sponsor. If the
4 sponsor is not a school board, the applicant shall give a
5 copy of its application to the school board of the district

6 in which the charter school is to be located and to the
7 state board of education, within five business days of the
8 date the application is filed with the proposed sponsor.
9 The school board may file objections with the proposed
10 sponsor, and, if a charter is granted, the school board may
11 file objections with the state board of education. The
12 charter shall include a legally binding performance contract
13 that describes the obligations and responsibilities of the
14 school and the sponsor as outlined in sections 160.400 to
15 160.425 and section 167.349 and shall address the following:

16 (1) A mission and vision statement for the charter
17 school;

18 (2) A description of the charter school's
19 organizational structure and bylaws of the governing body,
20 which will be responsible for the policy, financial
21 management, and operational decisions of the charter school,
22 including the nature and extent of parental, professional
23 educator, and community involvement in the governance and
24 operation of the charter school;

25 (3) A financial plan for the first three years of
26 operation of the charter school including provisions for
27 annual audits;

28 (4) A description of the charter school's policy for
29 securing personnel services, its personnel policies,
30 personnel qualifications, and professional development plan;

31 (5) A description of the grades or ages of students
32 being served;

33 (6) The school's calendar of operation, which shall
34 include at least the equivalent of a full school term as
35 defined in section 160.011;

36 (7) A description of the charter school's pupil
37 performance standards and academic program performance

38 standards, which shall meet the requirements of subdivision
39 (6) of subsection 4 of this section. The charter school
40 program shall be designed to enable each pupil to achieve
41 such standards and shall contain a complete set of
42 indicators, measures, metrics, and targets for academic
43 program performance, including specific goals on graduation
44 rates and standardized test performance and academic growth;

45 (8) A description of the charter school's educational
46 program and curriculum;

47 (9) The term of the charter, which shall be five years
48 and may be renewed;

49 (10) Procedures, consistent with the Missouri
50 financial accounting manual, for monitoring the financial
51 accountability of the charter, which shall meet the
52 requirements of subdivision (4) of subsection 4 of this
53 section;

54 (11) Preopening requirements for applications that
55 require that charter schools meet all health, safety, and
56 other legal requirements prior to opening;

57 (12) A description of the charter school's policies on
58 student discipline and student admission, which shall
59 include a statement, where applicable, of the validity of
60 attendance of students who do not reside in the district but
61 who may be eligible to attend under the terms of judicial
62 settlements and procedures that ensure admission of students
63 with disabilities in a nondiscriminatory manner;

64 (13) A description of the charter school's grievance
65 procedure for parents or guardians;

66 (14) A description of the agreement and time frame for
67 implementation between the charter school and the sponsor as
68 to when a sponsor shall intervene in a charter school, when
69 a sponsor shall revoke a charter for failure to comply with

70 subsection 8 of this section, and when a sponsor will not
71 renew a charter under subsection 9 of this section;

72 (15) Procedures to be implemented if the charter
73 school should close, as provided in subdivision (6) of
74 subsection 16 of section 160.400 including:

75 (a) Orderly transition of student records to new
76 schools and archival of student records;

77 (b) Archival of business operation and transfer or
78 repository of personnel records;

79 (c) Submission of final financial reports;

80 (d) Resolution of any remaining financial obligations;

81 (e) Disposition of the charter school's assets upon
82 closure; and

83 (f) A notification plan to inform parents or guardians
84 of students, the local school district, the retirement
85 system in which the charter school's employees participate,
86 and the state board of education within thirty days of the
87 decision to close;

88 (16) A description of the special education and
89 related services that shall be available to meet the needs
90 of students with disabilities; and

91 (17) For all new or revised charters, procedures to be
92 used upon closure of the charter school requiring that
93 unobligated assets of the charter school be returned to the
94 department of elementary and secondary education for their
95 disposition, which upon receipt of such assets shall return
96 them to the local school district in which the school was
97 located, the state, or any other entity to which they would
98 belong.

99 Charter schools operating on August 27, 2012, shall have
100 until August 28, 2015, to meet the requirements of this
101 subsection.

102 2. Proposed charters shall be subject to the following
103 requirements:

104 (1) A charter shall be submitted to the sponsor, and
105 follow the sponsor's policies and procedures for review and
106 granting of a charter approval, and be approved by the state
107 board of education by January thirty-first prior to the
108 school year of the proposed opening date of the charter
109 school;

110 (2) A charter may be approved when the sponsor
111 determines that the requirements of this section are met,
112 determines that the applicant is sufficiently qualified to
113 operate a charter school, and that the proposed charter is
114 consistent with the sponsor's charter sponsorship goals and
115 capacity. The sponsor's decision of approval or denial
116 shall be made within ninety days of the filing of the
117 proposed charter;

118 (3) If the charter is denied, the proposed sponsor
119 shall notify the applicant in writing as to the reasons for
120 its denial and forward a copy to the state board of
121 education within five business days following the denial;

122 (4) If a proposed charter is denied by a sponsor, the
123 proposed charter may be submitted to the state board of
124 education, along with the sponsor's written reasons for its
125 denial. If the state board determines that the applicant
126 meets the requirements of this section, that the applicant
127 is sufficiently qualified to operate the charter school, and
128 that granting a charter to the applicant would be likely to
129 provide educational benefit to the children of the district,
130 the state board may grant a charter and act as sponsor of

131 the charter school. The state board shall review the
132 proposed charter and make a determination of whether to deny
133 or grant the proposed charter within sixty days of receipt
134 of the proposed charter, provided that any charter to be
135 considered by the state board of education under this
136 subdivision shall be submitted no later than March first
137 prior to the school year in which the charter school intends
138 to begin operations. The state board of education shall
139 notify the applicant in writing as the reasons for its
140 denial, if applicable; and

141 (5) The sponsor of a charter school shall give
142 priority to charter school applicants that propose a school
143 oriented to high-risk students and to the reentry of
144 dropouts into the school system. If a sponsor grants three
145 or more charters, at least one-third of the charters granted
146 by the sponsor shall be to schools that actively recruit
147 dropouts or high-risk students as their student body and
148 address the needs of dropouts or high-risk students through
149 their proposed mission, curriculum, teaching methods, and
150 services. For purposes of this subsection, a "high-risk"
151 student is one who is at least one year behind in
152 satisfactory completion of course work or obtaining high
153 school credits for graduation, has dropped out of school, is
154 at risk of dropping out of school, needs drug and alcohol
155 treatment, has severe behavioral problems, has been
156 suspended from school three or more times, has a history of
157 severe truancy, is a pregnant or parenting teen, has been
158 referred for enrollment by the judicial system, is exiting
159 incarceration, is a refugee, is homeless or has been
160 homeless sometime within the preceding six months, has been
161 referred by an area school district for enrollment in an
162 alternative program, or qualifies as high risk under

163 department of elementary and secondary education
164 guidelines. Dropout shall be defined through the guidelines
165 of the school core data report. The provisions of this
166 subsection do not apply to charters sponsored by the state
167 board of education.

168 3. If a charter is approved by a sponsor, the charter
169 application shall be submitted to the state board of
170 education, along with a statement of finding by the sponsor
171 that the application meets the requirements of sections
172 160.400 to 160.425 and section 167.349 and a monitoring plan
173 under which the charter sponsor shall evaluate the academic
174 performance, including annual performance reports, of
175 students enrolled in the charter school. The state board of
176 education shall approve or deny a charter application within
177 sixty days of receipt of the application. The state board
178 of education may deny a charter on grounds that the
179 application fails to meet the requirements of sections
180 160.400 to 160.425 and section 167.349 or that a charter
181 sponsor previously failed to meet the statutory
182 responsibilities of a charter sponsor. Any denial of a
183 charter application made by the state board of education
184 shall be in writing and shall identify the specific failures
185 of the application to meet the requirements of sections
186 160.400 to 160.425 and section 167.349, and the written
187 denial shall be provided within ten business days to the
188 sponsor.

189 4. A charter school shall, as provided in its charter:

190 (1) Be nonsectarian in its programs, admission
191 policies, employment practices, and all other operations;

192 (2) Comply with laws and regulations of the state,
193 county, or city relating to health, safety, and state
194 minimum educational standards, as specified by the state

195 board of education, including the requirements relating to
196 student discipline under sections 160.261, 167.161, 167.164,
197 and 167.171, notification of criminal conduct to law
198 enforcement authorities under sections 167.115 to 167.117,
199 academic assessment under section 160.518, transmittal of
200 school records under section 167.020, the minimum amount of
201 school time required under section 171.031, and the employee
202 criminal history background check and the family care safety
203 registry check under section 168.133;

204 (3) Except as provided in sections 160.400 to 160.425
205 and as specifically provided in other sections, be exempt
206 from all laws and rules relating to schools, governing
207 boards and school districts;

208 (4) Be financially accountable, use practices
209 consistent with the Missouri financial accounting manual,
210 provide for an annual audit by a certified public
211 accountant, publish audit reports and annual financial
212 reports as provided in chapter 165, provided that the annual
213 financial report may be published on the department of
214 elementary and secondary education's internet website in
215 addition to other publishing requirements, and provide
216 liability insurance to indemnify the school, its board,
217 staff and teachers against tort claims. A charter school
218 that receives local educational agency status under
219 subsection 6 of this section shall meet the requirements
220 imposed by the Elementary and Secondary Education Act for
221 audits of such agencies and comply with all federal audit
222 requirements for charters with local educational agency
223 status. For purposes of an audit by petition under section
224 29.230, a charter school shall be treated as a political
225 subdivision on the same terms and conditions as the school
226 district in which it is located. For the purposes of

227 securing such insurance, a charter school shall be eligible
228 for the Missouri public entity risk management fund pursuant
229 to section 537.700. A charter school that incurs debt shall
230 include a repayment plan in its financial plan;

231 (5) Provide a comprehensive program of instruction for
232 at least one grade or age group from early childhood through
233 grade twelve, as specified in its charter;

234 (6) (a) Design a method to measure pupil progress
235 toward the pupil academic standards adopted by the state
236 board of education pursuant to section 160.514, establish
237 baseline student performance in accordance with the
238 performance contract during the first year of operation,
239 collect student performance data as defined by the annual
240 performance report throughout the duration of the charter to
241 annually monitor student academic performance, and to the
242 extent applicable based upon grade levels offered by the
243 charter school, participate in the statewide system of
244 assessments, comprised of the essential skills tests and the
245 nationally standardized norm-referenced achievement tests,
246 as designated by the state board pursuant to section
247 160.518, complete and distribute an annual report card as
248 prescribed in section 160.522, which shall also include a
249 statement that background checks have been completed on the
250 charter school's board members, and report to its sponsor,
251 the local school district, and the state board of education
252 as to its teaching methods and any educational innovations
253 and the results thereof. No charter school shall be
254 considered in the Missouri school improvement program review
255 of the district in which it is located for the resource or
256 process standards of the program.

257 (b) For proposed high-risk or alternative charter
258 schools, sponsors shall approve performance measures based

259 on mission, curriculum, teaching methods, and services.
260 Sponsors shall also approve comprehensive academic and
261 behavioral measures to determine whether students are
262 meeting performance standards on a different time frame as
263 specified in that school's charter. Student performance
264 shall be assessed comprehensively to determine whether a
265 high-risk or alternative charter school has documented
266 adequate student progress. Student performance shall be
267 based on sponsor-approved comprehensive measures as well as
268 standardized public school measures. Annual presentation of
269 charter school report card data to the department of
270 elementary and secondary education, the state board, and the
271 public shall include comprehensive measures of student
272 progress.

273 (c) Nothing in this subdivision shall be construed as
274 permitting a charter school to be held to lower performance
275 standards than other public schools within a district;
276 however, the charter of a charter school may permit students
277 to meet performance standards on a different time frame as
278 specified in its charter. The performance standards for
279 alternative and special purpose charter schools that target
280 high-risk students as defined in subdivision (5) of
281 subsection 2 of this section shall be based on measures
282 defined in the school's performance contract with its
283 sponsors;

284 (7) Comply with all applicable federal and state laws
285 and regulations regarding students with disabilities,
286 including sections 162.670 to 162.710, the Individuals with
287 Disabilities Education Act (20 U.S.C. Section 1400) and
288 Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.
289 Section 794) or successor legislation;

290 (8) Provide along with any request for review by the
291 state board of education the following:

292 (a) Documentation that the applicant has provided a
293 copy of the application to the school board of the district
294 in which the charter school is to be located, except in
295 those circumstances where the school district is the sponsor
296 of the charter school; and

297 (b) A statement outlining the reasons for approval or
298 denial by the sponsor, specifically addressing the
299 requirements of sections 160.400 to 160.425 and 167.349.

300 5. (1) Proposed or existing high-risk or alternative
301 charter schools may include alternative arrangements for
302 students to obtain credit for satisfying graduation
303 requirements in the school's charter application and
304 charter. Alternative arrangements may include, but not be
305 limited to, credit for off-campus instruction, embedded
306 credit, work experience through an internship arranged
307 through the school, and independent studies. When the state
308 board of education approves the charter, any such
309 alternative arrangements shall be approved at such time.

310 (2) The department of elementary and secondary
311 education shall conduct a study of any charter school
312 granted alternative arrangements for students to obtain
313 credit under this subsection after three years of operation
314 to assess student performance, graduation rates, educational
315 outcomes, and entry into the workforce or higher education.

316 6. The charter of a charter school may be amended at
317 the request of the governing body of the charter school and
318 on the approval of the sponsor. The sponsor and the
319 governing board and staff of the charter school shall
320 jointly review the school's performance, management and
321 operations during the first year of operation and then every

322 other year after the most recent review or at any point
323 where the operation or management of the charter school is
324 changed or transferred to another entity, either public or
325 private. The governing board of a charter school may amend
326 the charter, if the sponsor approves such amendment, or the
327 sponsor and the governing board may reach an agreement in
328 writing to reflect the charter school's decision to become a
329 local educational agency. In such case the sponsor shall
330 give the department of elementary and secondary education
331 written notice no later than March first of any year, with
332 the agreement to become effective July first. The
333 department may waive the March first notice date in its
334 discretion. The department shall identify and furnish a
335 list of its regulations that pertain to local educational
336 agencies to such schools within thirty days of receiving
337 such notice.

338 7. Sponsors shall annually review the charter school's
339 compliance with statutory standards including:

340 (1) Participation in the statewide system of
341 assessments, as designated by the state board of education
342 under section 160.518;

343 (2) Assurances for the completion and distribution of
344 an annual report card as prescribed in section 160.522;

345 (3) The collection of baseline data during the first
346 three years of operation to determine the longitudinal
347 success of the charter school;

348 (4) A method to measure pupil progress toward the
349 pupil academic standards adopted by the state board of
350 education under section 160.514; and

351 (5) Publication of each charter school's annual
352 performance report.

353 8. (1) (a) A sponsor's policies shall give schools
354 clear, adequate, evidence-based, and timely notice of
355 contract violations or performance deficiencies and mandate
356 intervention based upon findings of the state board of
357 education of the following:

358 a. The charter school provides a high school program
359 which fails to maintain a graduation rate of at least
360 seventy percent in three of the last four school years
361 unless the school has dropout recovery as its mission;

362 b. The charter school's annual performance report
363 results are below the district's annual performance report
364 results based on the performance standards that are
365 applicable to the grade level configuration of both the
366 charter school and the district in which the charter school
367 is located in three of the last four school years; and

368 c. The charter school is identified as a persistently
369 lowest achieving school by the department of elementary and
370 secondary education.

371 (b) A sponsor shall have a policy to revoke a charter
372 during the charter term if there is:

373 a. Clear evidence of underperformance as demonstrated
374 in the charter school's annual performance report in three
375 of the last four school years; or

376 b. A violation of the law or the public trust that
377 imperils students or public funds.

378 (c) A sponsor shall revoke a charter or take other
379 appropriate remedial action, which may include placing the
380 charter school on probationary status for no more than
381 twenty-four months, provided that no more than one
382 designation of probationary status shall be allowed for the
383 duration of the charter contract, at any time if the charter
384 school commits a serious breach of one or more provisions of

385 its charter or on any of the following grounds: failure to
386 meet the performance contract as set forth in its charter,
387 failure to meet generally accepted standards of fiscal
388 management, failure to provide information necessary to
389 confirm compliance with all provisions of the charter and
390 sections 160.400 to 160.425 and 167.349 within forty-five
391 days following receipt of written notice requesting such
392 information, or violation of law.

393 (2) The sponsor may place the charter school on
394 probationary status to allow the implementation of a
395 remedial plan, which may require a change of methodology, a
396 change in leadership, or both, after which, if such plan is
397 unsuccessful, the charter may be revoked.

398 (3) At least sixty days before acting to revoke a
399 charter, the sponsor shall notify the governing board of the
400 charter school of the proposed action in writing. The
401 notice shall state the grounds for the proposed action. The
402 school's governing board may request in writing a hearing
403 before the sponsor within two weeks of receiving the notice.

404 (4) The sponsor of a charter school shall establish
405 procedures to conduct administrative hearings upon
406 determination by the sponsor that grounds exist to revoke a
407 charter. Final decisions of a sponsor from hearings
408 conducted pursuant to this subsection are subject to an
409 appeal to the state board of education, which shall
410 determine whether the charter shall be revoked.

411 (5) A termination shall be effective only at the
412 conclusion of the school year, unless the sponsor determines
413 that continued operation of the school presents a clear and
414 immediate threat to the health and safety of the children.

415 (6) A charter sponsor shall make available the school
416 accountability report card information as provided under

417 section 160.522 and the results of the academic monitoring
418 required under subsection 3 of this section.

419 9. (1) A sponsor shall take all reasonable steps
420 necessary to confirm that each charter school sponsored by
421 such sponsor is in material compliance and remains in
422 material compliance with all material provisions of the
423 charter and sections 160.400 to 160.425 and 167.349. Every
424 charter school shall provide all information necessary to
425 confirm ongoing compliance with all provisions of its
426 charter and sections 160.400 to 160.425 and 167.349 in a
427 timely manner to its sponsor.

428 (2) The sponsor's renewal process of the charter
429 school shall be based on the thorough analysis of a
430 comprehensive body of objective evidence and consider if:

431 (a) The charter school has maintained results on its
432 annual performance report that meet or exceed the district
433 in which the charter school is located based on the
434 performance standards that are applicable to the grade-level
435 configuration of both the charter school and the district in
436 which the charter school is located in three of the last
437 four school years;

438 (b) The charter school is organizationally and
439 fiscally viable determining at a minimum that the school
440 does not have:

441 a. A negative balance in its operating funds;
442 b. A combined balance of less than three percent of
443 the amount expended for such funds during the previous
444 fiscal year; or
445 c. Expenditures that exceed receipts for the most
446 recently completed fiscal year;

447 (c) The charter is in compliance with its legally
448 binding performance contract and sections 160.400 to 160.425
449 and section 167.349; and

450 (d) The charter school has an annual performance
451 report consistent with a classification of accredited for
452 three of the last four years and is fiscally viable as
453 described in paragraph (b) of this subdivision. If such is
454 the case, the charter school may have an expedited renewal
455 process as defined by rule of the department of elementary
456 and secondary education.

457 (3) (a) Beginning August first during the year in
458 which a charter is considered for renewal, a charter school
459 sponsor shall demonstrate to the state board of education
460 that the charter school is in compliance with federal and
461 state law as provided in sections 160.400 to 160.425 and
462 section 167.349 and the school's performance contract
463 including but not limited to those requirements specific to
464 academic performance.

465 (b) Along with data reflecting the academic
466 performance standards indicated in paragraph (a) of this
467 subdivision, the sponsor shall submit a revised charter
468 application to the state board of education for review.

469 (c) Using the data requested and the revised charter
470 application under paragraphs (a) and (b) of this
471 subdivision, the state board of education shall determine if
472 compliance with all standards enumerated in this subdivision
473 has been achieved. The state board of education at its next
474 regularly scheduled meeting shall vote on the revised
475 charter application.

476 (d) If a charter school sponsor demonstrates the
477 objectives identified in this subdivision, the state board
478 of education shall renew the school's charter.

479 10. A school district may enter into a lease with a
480 charter school for physical facilities.

481 11. A governing board or a school district employee
482 who has control over personnel actions shall not take
483 unlawful reprisal against another employee at the school
484 district because the employee is directly or indirectly
485 involved in an application to establish a charter school. A
486 governing board or a school district employee shall not take
487 unlawful reprisal against an educational program of the
488 school or the school district because an application to
489 establish a charter school proposes the conversion of all or
490 a portion of the educational program to a charter school.
491 As used in this subsection, "unlawful reprisal" means an
492 action that is taken by a governing board or a school
493 district employee as a direct result of a lawful application
494 to establish a charter school and that is adverse to another
495 employee or an educational program.

496 12. Charter school board members shall be subject to
497 the same liability for acts while in office as if they were
498 regularly and duly elected members of school boards in any
499 other public school district in this state. The governing
500 board of a charter school may participate, to the same
501 extent as a school board, in the Missouri public entity risk
502 management fund in the manner provided under sections
503 537.700 to 537.756.

504 13. Any entity, either public or private, operating,
505 administering, or otherwise managing a charter school shall
506 be considered a quasi-public governmental body and subject
507 to the provisions of sections 610.010 to 610.035.

508 14. The chief financial officer of a charter school
509 shall maintain:

510 (1) A surety bond in an amount determined by the
511 sponsor to be adequate based on the cash flow of the school;
512 or

513 (2) An insurance policy issued by an insurance company
514 licensed to do business in Missouri on all employees in the
515 amount of five hundred thousand dollars or more that
516 provides coverage in the event of employee theft.

517 15. The department of elementary and secondary
518 education shall calculate an annual performance report for
519 each charter school and shall publish it in the same manner
520 as annual performance reports are calculated and published
521 for districts and attendance centers.

522 [16. The joint committee on education shall create a
523 committee to investigate facility access and affordability
524 for charter schools. The committee shall be comprised of
525 equal numbers of the charter school sector and the public
526 school sector and shall report its findings to the general
527 assembly by December 31, 2016.]

167.225. 1. [As used in subsections 1 to 4 of this
2 section, the following terms mean:

3 (1) "Braille", the system of reading and writing
4 through touch;

5 (2) "Student", any student who has an impairment in
6 vision that, even with correction, adversely affects a
7 child's educational performance and who is determined
8 eligible for special education services under the
9 Individuals with Disabilities Education Act.

10 2. All students shall receive instruction in Braille
11 reading and writing as part of their individualized
12 education plan unless the individual education program team
13 determines, after an evaluation of a student's reading and
14 writing skills, needs, and appropriate reading and writing

15 media, including an evaluation of the student's future needs
16 for instruction in Braille or the use of Braille, that
17 instruction in Braille or the use of Braille is not
18 appropriate. No student shall be denied instruction in
19 Braille reading and writing solely because the student has
20 some remaining vision.

21 3. Instruction in Braille reading and writing shall be
22 sufficient to enable each student to communicate effectively
23 and efficiently at a level commensurate with the student's
24 sighted peers of comparable grade level and intellectual
25 functioning. The student's individualized education plan
26 shall specify:

27 (1) How Braille will be implemented as the primary
28 mode for learning through integration with normal classroom
29 activities. If Braille will not be provided to a child who
30 is blind, the reason for not incorporating it in the
31 individualized education plan shall be documented therein;

32 (2) The date on which Braille instruction will
33 commence;

34 (3) The level of competency in Braille reading and
35 writing to be achieved by the end of the period covered by
36 the individualized education plan; and

37 (4) The duration of each session.

38 4. As part of the certification process, teachers
39 certified in the education of blind and visually impaired
40 children shall be required to demonstrate competence in
41 reading and writing Braille. The department of elementary
42 and secondary education shall adopt assessment procedures to
43 assess such competencies which are consistent with standards
44 adopted by the National Library Service for the Blind and
45 Physically Handicapped, Library of Congress, Washington, D.C.

46 5.] (1) Subsections [5 to 9] 1 to 5 of this section
47 shall be known and may be cited as the "Blind Students'
48 Rights to Independence, Training, and Education Act" or the
49 "BRITE Act".

50 (2) As used in subsections [5 to 9] 1 to 5 of this
51 section, the following terms mean:

52 (a) "Accessible assistive technology device", an
53 assistive technology device, as defined in 20 U.S.C. Section
54 1401, as amended, that provides blind or visually impaired
55 students the benefits of an educational program in an
56 equally effective and integrated manner as that provided to
57 nondisabled students;

58 (b) "Adequate instruction", the quality teaching of
59 blind or visually impaired students, as it pertains to
60 general education and necessary blindness skills, in
61 alignment with the U.S. Department of Education's definition
62 of free appropriate public education, as defined in 20
63 U.S.C. Section 1401, as amended;

64 (c) "Blind or visually impaired student":

65 a. A child who:

66 (i) Has an individualized education program (IEP) or
67 an individualized family service plan (IFSP), as such terms
68 are defined in 20 U.S.C. Section 1401, as amended, or a 504
69 plan created under Section 504 of the federal Rehabilitation
70 Act of 1973, 29 U.S.C. Section 794, as amended; and

71 (ii) Is identified as having the disability of visual
72 impairment (including blindness) within the definition of
73 child with a disability in 20 U.S.C. Section 1401, as
74 amended; or

75 b. An individual who is deaf-blind under the federal
76 Individuals with Disabilities Education Act (IDEA), as
77 amended, or other federal law;

78 (d) "Braille", the system of reading and writing
79 through touch;

80 (e) "Expanded core curriculum", a disability-specific
81 curriculum that compensates for vision loss, is foundational
82 to all other learning, and that covers the nine essential
83 areas of compensatory access, sensory efficiency, assistive
84 technology, orientation and mobility, social interaction,
85 recreation and leisure, independent living, self-
86 determination, and career education;

87 (f) "Grade level instruction", instruction that aligns
88 with state-designated content standards and curricula for
89 students of the same age or level of maturity, based on the
90 development of intellectual, emotional, physical, and
91 behavioral capacity that is typical for the student's age or
92 age group;

93 (g) "Local educational agency" or "LEA", the same
94 definition as in 20 U.S.C. Section 1401, as amended;

95 (h) "Nonvisual access", the ability of a blind or
96 visually impaired student to use all functions of a device,
97 without using the student's vision, in an equally effective,
98 equally integrated manner and with equivalent ease of use as
99 the student's sighted peers;

100 (i) "Nonvisual skills", skills that are taught in such
101 a way that the student does not need to use any vision;

102 (j) "State educational agency", the same definition as
103 in 20 U.S.C. Section 1401, as amended;

104 (k) "Technology-mediated learning environments and
105 methods", the settings in which electronic and information
106 technology including, but not limited to, the following is
107 used:

108 a. Computer-based applications and simulations;

- 109 b. Personal and mobile computing devices such as
110 smartphones or tablets;
- 111 c. Web-based platforms;
- 112 d. Online or distance-learning programs;
- 113 e. Video games; and
- 114 f. Exhibits or installations that feature digital
115 media, wearable technology, or other tools that support
116 participants' engagement with new knowledge, skills, or
117 practices;

118 (1) "U.S. Access Board", the independent federal
119 agency created in 1973 that promotes equality for people
120 with disabilities through leadership in accessible design
121 and the development of accessibility guidelines and
122 standards.

123 **[6.] 2.** (1) Each blind or visually impaired student
124 shall receive instruction in Braille reading and writing as
125 part of such student's individualized education program
126 (IEP) or individualized family support plan (IFSP) unless
127 the IEP or IFSP team determines, after an evaluation of the
128 student's reading and writing skills, needs, and appropriate
129 reading and writing media including, but not limited to, an
130 evaluation of the student's needs for instruction in Braille
131 or the use of Braille, that instruction in Braille or the
132 use of Braille is not appropriate. No blind or visually
133 impaired student shall be denied instruction in Braille
134 reading and writing solely because the student has some
135 vision. During the evaluation and IEP process,
136 consideration shall be given regarding appropriate Braille
137 instruction based on a potential vision loss due to a
138 degenerative medical diagnosis.

139 (2) In conjunction with the U.S. Department of
140 Education's Braille presumption requirement in the federal

141 Individuals with Disabilities Education Act (IDEA), as
142 amended, instruction in Braille reading and writing shall be
143 sufficient to enable each blind or visually impaired student
144 to communicate effectively and efficiently at a level
145 commensurate with the student's same age and with the
146 student's nondisabled peers of comparable intellectual
147 ability. The blind or visually impaired student's
148 individualized education program (IEP) or individualized
149 family support plan (IFSP) shall specify:

150 (a) The results obtained from an evaluation of the
151 blind or visually impaired student's reading and writing
152 skills, needs, and appropriate reading and writing media
153 including, but not limited to, an evaluation of the blind or
154 visually impaired student's needs for instruction in Braille
155 or the use of Braille including, but not limited to,
156 consideration regarding appropriate Braille instruction
157 based on a potential vision loss due to a degenerative
158 medical diagnosis;

159 (b) How Braille will be implemented, if needed as
160 determined by the IEP team, as a primary mode for learning
161 through integration with other classroom activities;

162 (c) The length of the period of instruction and the
163 frequency and duration of each instructional session as
164 determined by the IEP team, which shall, as closely as
165 appropriate based on individual needs, be identical to the
166 level of instruction provided to nondisabled peers; and

167 (d) The level of competency in Braille reading and
168 writing to be achieved by the end of the period.

169 (3) Use, and provision, of Braille materials for
170 reading and writing shall be addressed in 504 plans for
171 blind or visually impaired students created under Section

172 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.
173 Section 794, as amended.

174 [7.] 3. In conjunction with academic achievement and
175 functional performance requirements of 34 CFR
176 300.320(a)(2)(i), as amended, instruction in expanded core
177 curriculum shall be provided to blind or visually impaired
178 students to support progress in the general education
179 curriculum.

180 [8.] 4. (1) Each blind or visually impaired student
181 shall receive instruction in assistive technology as part of
182 the student's individualized education program (IEP) or
183 individualized family support plan (IFSP) unless the IEP or
184 IFSP team determines, after an evaluation of a student's
185 needs, that instruction in assistive technology is not
186 appropriate. No student shall be denied instruction in
187 assistive technology solely because the student has some
188 vision.

189 (2) In conjunction with accessible assistive
190 technology requirements of the federal Individuals with
191 Disabilities Education Act (IDEA) in 20 U.S.C. Section
192 1412(a)(12)(B)(i), as amended, the blind or visually
193 impaired student shall receive grade-level instruction that
194 will equip the blind or visually impaired student with the
195 appropriate technology-mediated learning environments and
196 methods to perform on the same level of proficiency expected
197 of peers of comparable intellectual ability and grade
198 level. The blind or visually impaired student's IEP or IFSP
199 shall specify:

200 (a) The results obtained from an assessment of the
201 blind or visually impaired student's skills, needs, and
202 appropriate accessible assistive technology including, but
203 not limited to, an evaluation of the future needs for

204 accessible assistive technology training or the use of
205 accessible assistive technology;

206 (b) How accessible assistive technology will be
207 implemented as a primary mode for learning through
208 integration with other classroom activities;

209 (c) The frequency and duration of each instructional
210 session;

211 (d) The level of mastery of the accessible assistive
212 technology specified by the blind or visually impaired
213 student's assessment to be achieved by the end of the
214 period; and

215 (e) Acknowledgment that either:

216 a. The blind or visually impaired student may
217 transport the accessible assistive technology to and from
218 school without the need for payment, family assumption of
219 liability for loss or damage, or any other cost to the blind
220 or visually impaired student or the family; or

221 b. If the accessible assistive technology remains at
222 school, the LEA will provide duplicate accessible assistive
223 technology in the blind or visually impaired student's home
224 without requiring payment, family assumption of liability
225 for loss or damage, or any other cost to the blind or
226 visually impaired student or the family.

227 (3) Use, and provision, of accessible assistive
228 technology shall be addressed in 504 plans for blind or
229 visually impaired students created under Section 504 of the
230 federal Rehabilitation Act of 1973, 29 U.S.C. Section 794,
231 as amended.

232 **[9.] 5.** (1) Each blind or visually impaired student
233 shall receive instruction in orientation and mobility as
234 part of the student's individualized education program (IEP)
235 or individualized family support plan (IFSP) unless the IEP

236 or IFSP team determines, after an evaluation of a student's
237 needs, that instruction in orientation and mobility is not
238 appropriate. No student shall be denied instruction in
239 orientation and mobility solely because the student has some
240 vision.

241 (2) In conjunction with orientation and mobility
242 services requirements of 34 CFR 300.34(c)(7), as amended,
243 blind or visually impaired students shall receive
244 orientation and mobility instruction to equip each blind or
245 visually impaired student with the age-appropriate tools,
246 techniques, and nonvisual skills to navigate in and around
247 the student's home, schools, communities, and other
248 environments as applicable, and as expected of peers of
249 comparable intellectual ability and grade level. The blind
250 or visually impaired student's IEP or IFSP shall specify:

251 (a) The results obtained from an evaluation of the
252 blind or visually impaired student's orientation and
253 mobility needs including, but not limited to, an evaluation
254 of the blind or visually impaired student's future needs for
255 instruction in orientation and mobility;

256 (b) How orientation and mobility will be integrated
257 into the home, school, and community;

258 (c) The date on which orientation and mobility
259 instruction will commence;

260 (d) The frequency and duration of each instructional
261 session; and

262 (e) The level of mastery of orientation and mobility
263 skills to be achieved by the end of the period.

264 (3) Orientation and mobility equipment,
265 accommodations, and modifications shall be addressed in 504
266 plans for blind or visually impaired students created under

267 Section 504 of the federal Rehabilitation Act of 1973, 29
268 U.S.C. Section 794, as amended.

269 (4) An orientation and mobility evaluation shall be
270 conducted by a person who is appropriately certified by the
271 National Blindness Professional Certification Board (NBPCB)
272 with a National Orientation and Mobility Certification
273 (NOMC), or through the Academy for Certification of Vision
274 Rehabilitation and Education Professionals (ACVREP) as a
275 Certified Orientation and Mobility Specialist (COMS), or who
276 holds a nationally recognized certification related to
277 orientation and mobility.

278 (5) The orientation and mobility evaluations described
279 in subdivision (4) of this subsection shall occur in
280 familiar and unfamiliar environments, during the daytime and
281 nighttime, and around the home, school, and community as
282 determined age appropriate by the blind or visually impaired
283 student's IEP or IFSP.

284 [10.] 6. (1) As part of the state educational
285 agency's certification and renewal process, educators hired
286 to teach Braille shall be certified teachers of students
287 with visual impairments, hold a current and valid National
288 Certification in Unified English Braille (NCUEB) working
289 under the supervision of a reading specialist, or hold a
290 nationally recognized certification related to Braille
291 instruction.

292 (2) As part of the state educational agency's
293 certification and renewal process, educators hired to teach
294 accessible assistive technology shall be certified teachers
295 of students with visual impairments, hold a valid and
296 current Certified Assistive Technology Instructional
297 Specialist for People with Visual Impairments (CATIS), or
298 hold a valid and current National Certification in Access

299 Technology for the Blind (NCATB) or other nationally
300 recognized certification related to assistive technology
301 instruction for individuals with visual impairments.

302 (3) As part of the state educational agency's
303 certification and renewal process, specialists hired to
304 teach orientation and mobility shall hold a valid and
305 current National Orientation and Mobility Certification
306 (NOMC) or hold a current and valid Certified Orientation and
307 Mobility Specialist (COMS) certification or other nationally
308 recognized certification related to orientation and mobility
309 instruction for individuals with visual impairments.

310 [11.] 7. (1) LEAs shall deliver services to blind or
311 visually impaired students in a manner that at all times
312 abides by requirements of the federal Individuals with
313 Disabilities Education Act (IDEA), Title II of the Americans
314 with Disabilities Act, and the Rehabilitation Act of 1973,
315 as amended, including during declared local, state, or
316 national emergencies.

317 (2) LEAs shall seek and obtain proof of currently
318 available certified professionals from any company, agency,
319 or individual the LEA intends to contract with for services
320 outlined in subsections [5 to 9] 1 to 5 of this section.

321 (3) LEAs shall not impose any preclusions or
322 limitations on a student to receive instruction in
323 orientation and mobility services in and around the home,
324 school, or community setting including during daytime and
325 nighttime hours.

326 (4) LEAs may require annual written parental consent
327 to conduct effective instruction when such services are
328 provided before or after regular school hours or when such
329 services are provided away from the educational institution
330 or the blind or visually impaired student's residence.

331 (5) If an LEA prohibits an orientation and mobility
332 instructor from using the instructor's preferred mode of
333 transportation to transport blind or visually impaired
334 students to and from outside environments, the LEA shall
335 provide an equally effective transportation alternative for
336 that purpose without cost to the orientation and mobility
337 instructor. If the blind or visually impaired student's
338 family provides transportation for the student, the LEA
339 shall reimburse the expense.

340 [12.] 8. (1) If an LEA requires an eye report, the
341 LEA shall bear all costs associated with obtaining such
342 report. LEAs shall not delay an evaluation for eligibility
343 based on the absence or delay of such report.

344 (2) All electronic and information technology
345 developed, procured, maintained, or used by LEAs shall be
346 compliant with the U.S. Access Board's Section 508
347 standards, as amended.

348 (3) LEAs shall anticipate the need for nonvisual
349 accessibility and adopt policies and procedures to reduce or
350 eliminate common barriers experienced by blind or visually
351 impaired students, parents, educators, administrators, and
352 other staff.

353 [13. Subsections 1 to 4 of this section shall apply in
354 all school years ending before July 1, 2022. Subsections 5
355 to 12 of]

356 9. This section shall apply in school year 2022-23 and
357 all subsequent school years.

167.950. 1. (1) By December 31, 2017, the department
2 of elementary and secondary education shall develop
3 guidelines for the appropriate screening of students for
4 dyslexia and related disorders and the necessary classroom
5 support for students with dyslexia and related disorders.

6 [Such guidelines shall be consistent with the findings and
7 recommendations of the task force created under section
8 633.420.]

9 (2) In the 2018-19 school year and subsequent years,
10 each public school, including each charter school, shall
11 conduct dyslexia screenings for students in the appropriate
12 year consistent with the guidelines developed by the
13 department of elementary and secondary education.

14 (3) In the 2018-19 school year and subsequent years,
15 the school board of each district and the governing board of
16 each charter school shall provide reasonable classroom
17 support consistent with the guidelines developed by the
18 department of elementary and secondary education.

19 2. In the 2018-19 school year and subsequent years,
20 the practicing teacher assistance programs established under
21 section 168.400 shall offer and include two hours of in-
22 service training provided by each local school district for
23 all practicing teachers in such district regarding dyslexia
24 and related disorders. Each charter school shall also offer
25 all of its teachers two hours of training on dyslexia and
26 related disorders. Districts and charter schools may seek
27 assistance from the department of elementary and secondary
28 education in developing and providing such training.
29 Completion of such training shall count as two contact hours
30 of professional development under section 168.021.

31 3. For purposes of this section, the following terms
32 mean:

33 (1) "Dyslexia", a disorder that is neurological in
34 origin, characterized by difficulties with accurate and
35 fluent word recognition and poor spelling and decoding
36 abilities that typically result from a deficit in the
37 phonological component of language, often unexpected in

38 relation to other cognitive abilities and the provision of
39 effective classroom instruction, and of which secondary
40 consequences may include problems in reading comprehension
41 and reduced reading experience that can impede growth of
42 vocabulary and background knowledge. Nothing in this
43 definition shall require a student with dyslexia to obtain
44 an individualized education program (IEP) unless the student
45 has otherwise met the federal conditions necessary;

46 (2) "Dyslexia screening", a short test conducted by a
47 teacher or school counselor to determine whether a student
48 likely has dyslexia or a related disorder in which a
49 positive result does not represent a medical diagnosis but
50 indicates that the student could benefit from approved
51 support;

52 (3) "Related disorders", disorders similar to or
53 related to dyslexia, such as developmental auditory
54 imperception, dysphasia, specific developmental dyslexia,
55 developmental dysgraphia, and developmental spelling
56 disability;

57 (4) "Support", low-cost and effective best practices,
58 such as oral examinations and extended test-taking periods,
59 used to support students who have dyslexia or any related
60 disorder.

61 4. The state board of education shall promulgate rules
62 and regulations for each public school to screen students
63 for dyslexia and related disorders and to provide the
64 necessary classroom support for students with dyslexia and
65 related disorders. Any rule or portion of a rule, as that
66 term is defined in section 536.010, that is created under
67 the authority delegated in this section shall become
68 effective only if it complies with and is subject to all of
69 the provisions of chapter 536 and, if applicable, section

70 536.028. This section and chapter 536 are nonseverable and
71 if any of the powers vested with the general assembly
72 pursuant to chapter 536 to review, to delay the effective
73 date, or to disapprove and annul a rule are subsequently
74 held unconstitutional, then the grant of rulemaking
75 authority and any rule proposed or adopted after August 28,
76 2016, shall be invalid and void.

77 5. Nothing in this section shall require the MO
78 HealthNet program to expand the services that it provides.

173.2510. 1. This section shall be known and may be
2 cited as the "15 to Finish Act".

3 2. The coordinating board for higher education, in
4 cooperation with public institutions of higher education in
5 this state, shall develop policies that promote the on-time
6 completion of degree programs by students. The policies
7 shall include, but not be limited to:

8 (1) Defining on-time completion for specific levels of
9 postsecondary credentials;

10 (2) Providing financial incentives to students during
11 their senior year of undergraduate study who are on pace to
12 graduate in no more than eight semesters; and

13 (3) Reducing, when feasible and permitted by
14 accreditation or occupational licensure, the number of
15 credit hours required to earn a degree.

16 [3. By December 1, 2017, the department of higher
17 education and workforce development shall provide a report
18 to the governor and the general assembly describing the
19 actions taken to implement these provisions.]

178.697. 1. Funding for sections 178.691 to 178.699
2 shall be made available pursuant to section 163.031 and
3 shall be subject to appropriations made for this purpose.

4 2. Costs of contractual arrangements shall be the
5 obligation of the school district of residence of each
6 preschool child. Costs of contractual arrangements shall
7 not exceed an amount equal to an amount reimbursable to the
8 school districts under the provisions of sections 178.691 to
9 178.699.

10 3. Payments for participants for programs outlined in
11 section 178.693 shall be uniform for all districts or public
12 agencies.

13 [4. Families with children under the age of
14 kindergarten entry shall be eligible to receive annual
15 development screenings and parents shall be eligible to
16 receive prenatal visits under sections 178.691 to 178.699.
17 Priority for service delivery of approved parent education
18 programs under sections 178.691 to 178.699, which includes,
19 but is not limited to, home visits, group meetings,
20 screenings, and service referrals, shall be given to high-
21 needs families in accordance with criteria set forth by the
22 department of elementary and secondary education. Local
23 school districts may establish cost sharing strategies to
24 supplement funding for such program services. The
25 provisions of this subsection shall expire on December 31,
26 2015, unless reauthorized by an act of the general assembly.]

184.350. 1. Whenever qualified voters representing
2 five percent of the votes cast at the last preceding
3 election for governor in any constitutional charter city not
4 located within a county and qualified voters representing
5 five percent of the votes cast at the last preceding
6 election for governor in a constitutional charter county
7 adjoining such city shall file verified petitions for the
8 establishment of a metropolitan zoological park and museum
9 district, comprising a zoological subdistrict, and art

10 museum subdistrict or a St. Louis Science Center subdistrict
11 with the respective election officials of such city and
12 county, respectively, requesting such election officials to
13 submit a proposition for the establishment of a metropolitan
14 zoological park and museum district comprised of a
15 zoological subdistrict, and art museum subdistrict and a St.
16 Louis Science Center subdistrict at the next general or
17 primary election for the election of state officers or
18 special election for the submission of such proposition,
19 such election officials shall communicate to their
20 corresponding counterparts and the chief executive officers
21 of the respective city and county the fact a verified
22 petition has been filed. At such time that both election
23 officials have received the verified petitions described
24 above, then such officials shall submit the above described
25 proposition or propositions to the qualified voters of such
26 city and county at the next general or primary election for
27 the election of state officers or special election. Such
28 election officials shall give legal notice at least sixty
29 days prior to such general or primary election or special
30 election in at least two newspapers that such proposition or
31 propositions shall be submitted at the next general or
32 primary election or special election held for submission of
33 this proposition.

34 2. Such proposition shall be submitted to the voters
35 in substantially the following form at such election:

36 Shall there be established a Metropolitan
37 Zoological Park and Museum District comprising the
38 City of _____ and the County of _____ which
39 district shall consist of all or any one of the
40 following subdistricts:

41 a. Zoological Subdistrict with a tax rate not in
42 excess of four cents on each \$100 of assessed
43 valuation of all taxable property within the
44 district.

45 FOR AGAINST

46 b. Art Museum Subdistrict with a tax rate not in
47 excess of four cents on each \$100 of assessed
48 valuation of taxable property within the district.

49 FOR AGAINST

50 c. St. Louis Science Center Subdistrict with a
51 tax rate not in excess of one cent on each \$100 of
52 assessed valuation of taxable property within the
53 district.

54 FOR AGAINST

55 3. In the event that a majority of the voters voting
56 on such propositions in such city and the majority of voters
57 voting on such propositions in such county at said election
58 cast votes "FOR" one or more of the propositions, then the
59 district shall be deemed established and the tax rate, as
60 established by the board, for such subdistrict shall be
61 deemed in full force and effect as of the first day of the
62 year following the year of said election. The results of
63 the aforesaid election shall be certified by the election
64 officials of such city and county, respectively, to the
65 respective chief executive officers of such city and county
66 not less than thirty days after the day of election. In the
67 event one or more of the propositions shall fail to receive
68 a majority of the votes "FOR" in either the city or the
69 county, then such proposition shall not be resubmitted at
70 any election held within one year of the date of the

71 election the proposition was rejected. Any such
 72 resubmissions of one or more of such propositions shall
 73 substantially comply with the provisions of sections 184.350
 74 to [184.384] **184.382**.

75 4. All costs of the election shall be paid as provided
 76 by sections 115.063 and 115.065.

184.351. 1. The board of directors of any
 2 metropolitan zoological park and museum district, as
 3 established pursuant to the provisions of sections 184.350
 4 to [184.384] **184.382**, on behalf of the district may request
 5 the election officials of any city and county containing all
 6 or part of such district to submit a proposition to increase
 7 the maximum tax rate for the St. Louis Science Center
 8 subdistrict set in section 184.350, to the qualified voters
 9 of such district at any general or primary or special
 10 election. Such election officials shall give legal notice
 11 as provided in chapter 115.

12 2. Such proposition shall be submitted to the voters
 13 in substantially the following form at such election:

14 Shall the Zoological Park and Museum District of
 15 the City of _____ and County of _____ be
 16 authorized to increase the St. Louis Science
 17 Center Subdistrict to a tax rate not in excess of
 18 six cents on each \$100 of assessed valuation of
 19 taxable property within the district for the
 20 purpose of operating, maintaining and otherwise
 21 financially supporting the subdistrict? The tax
 22 rate shall be set annually by the board based on
 23 the budget submitted by the St. Louis Science
 24 Center and approved by the board. This rate shall
 25 replace the present tax rate of _____ cent for
 26 the St. Louis Science Center Subdistrict.

27 YES

NO

28 3. In the event that a majority of the voters voting
29 on such proposition in such city and the majority of voters
30 voting on such proposition in such county at such election
31 cast votes "YES" for the proposition, then the tax rate for
32 such subdistrict shall be deemed in full force and effect as
33 of the first day of the second month following the
34 election. The results of the aforesaid election shall be
35 certified by the election officials of such city and county,
36 respectively, to the respective chief executive officers of
37 such city and county not less than thirty days after the day
38 on which such election was held. All costs of the election
39 shall be paid as provided by sections 115.063 and 115.065.
40 In the event the proposition shall fail to receive a
41 majority of the votes "YES" in either the city or the
42 county, then such proposition shall not be resubmitted at
43 any election held within one year of the date of the
44 election at which such proposition was rejected.

 184.352. The following terms whenever used or referred
2 to in sections 184.350 to [184.384] **184.382** shall unless a
3 different intent clearly appears from the context be
4 construed to have the following meaning:

5 (1) "African-American history museum and cultural
6 subdistrict" shall consist of a political subdistrict which
7 shall provide for the collection, preservation, and
8 exhibition of items relating to the history and culture of
9 African-Americans, more specifically for interpretation
10 through core exhibits that may include wax sculptures,
11 photographs, paintings, and other artistic expressions; and
12 further for the collection of costumes, archaeological
13 anthropological material, artifacts, and memorabilia; and
14 for the maintenance of archives, including manuscripts,
15 personal records, and other material that relates to the

16 African-American experience to American history; and to
17 provide for the preservation of American music traditions,
18 including ragtime, jazz, blues, and gospel; and to provide
19 technical assistance and advisory service for historic
20 research or which may contract with another person with the
21 capability of providing such services;

22 (2) "Art museum subdistrict" shall consist of such
23 institutions and places for the purpose of collection and
24 exhibition of pictures, statuary and other works of art and
25 whatever else may be of artistic interest and appropriate
26 for exhibition in an art gallery or museum for instruction
27 in art and in general for the promotion by all proper means
28 of aesthetic or artistic education;

29 (3) "Board", the governing body of the metropolitan
30 zoological park and museum district;

31 (4) "Botanical garden subdistrict" shall consist of a
32 political subdistrict which shall provide for the collection
33 and exhibition of displays of things relating to plants or
34 botany, for the promotion of plant life and related
35 subjects, educational and research activities, for the
36 maintenance of a botanical library, and for the promotion by
37 all proper means of public interest in plant life and
38 botany; or which may contract with another person with the
39 capability of providing such services;

40 (5) "City", a constitutional charter city not located
41 within a county;

42 (6) "Commission", the governing body of each of the
43 respective subdistricts as may be authorized as provided in
44 section 184.350, 184.351, or 184.353;

45 (7) "County", a constitutional charter county
46 adjoining a constitutional charter city;

47 (8) "District", the metropolitan zoological park and
48 museum district;

49 (9) "Missouri history museum subdistrict" shall
50 consist of a political subdistrict which shall provide for
51 the collection, preservation, and exhibition of items
52 relating to the history of the entire state of Missouri and
53 of the Louisiana Purchase Territory, and more specifically
54 for the collection and display of photographs, paintings,
55 costumes, archaeological and anthropological material,
56 artifacts and memorabilia pertaining to the political,
57 commercial and cultural history of the region, including
58 extensive artifacts, memorabilia, historical documents
59 concerning the first solo transatlantic flight, for the
60 promotion of archaeological and historical studies, for the
61 maintenance of a history library and archives, including
62 manuscripts documenting the first United States-sponsored
63 exploratory expedition of the Louisiana Purchase Territory
64 as well as papers of the president who authorized the
65 Louisiana Purchase, and for the promotion by all proper
66 means of public interest in the history of Missouri and the
67 region in which it is located, and, as otherwise provided by
68 law and in cooperation with the department of natural
69 resources of the state of Missouri, to provide technical
70 assistance and advisory services for the collection,
71 preservation, and exhibition of recordings, instruments, and
72 memorabilia of ragtime, jazz and blues music including
73 ragtime pianos and ragtime piano sheet music to be housed
74 and maintained at the Scott Joplin house state historic
75 site; or which may contract with another person having all
76 of the historical materials listed herein as well as the
77 capability of providing all of the services listed herein;

78 (10) "Recreation and amateur sports subdistrict" shall
79 consist of a political subdistrict which shall provide for
80 and assist in the planning, development, financing,
81 maintenance, improvement and construction of facilities and
82 venues to be publicly owned and operated by political
83 subdivisions, public school districts, universities and
84 colleges, or not-for-profit corporations chartered to
85 attract, promote and manage major national and international
86 amateur sports events, competitions and programs for the use
87 of the general public. Such subdistrict shall structure its
88 procedures for procuring supplies, services and construction
89 to achieve the result that a minimum of twenty percent in
90 the aggregate of the total dollar value of annual
91 procurements is made directly or indirectly from certified
92 socially and economically disadvantaged small business
93 concerns;

94 (11) "St. Louis Science Center subdistrict" shall
95 consist of such institutions and places for the purpose of
96 collection and exhibition of displays of items of natural
97 historical, industrial, transport and scientific interest,
98 the instruction and recreation of the people, for the
99 promotion of the study of science, industrial, transport and
100 natural history and kindred subjects and for the promotion
101 by all proper means of public interest in natural history,
102 transport, industry and science;

103 (12) "Special election", an election held on the first
104 Tuesday of April or whenever propositions are submitted to
105 the voters of the whole district;

106 (13) "Symphony orchestra subdistrict" shall consist of
107 a political subdistrict which shall provide for regular
108 performances of a symphony orchestra with not less than
109 ninety full-time symphonic musicians, own its own concert

110 hall in which a substantial number of its concerts shall be
111 held, and provide for the promotion by all proper means of
112 public interest in music; or which may contract with another
113 person with the capability of providing such services and
114 which owns its own concert hall;

115 (14) "Transport museum subdistrict" shall consist of a
116 political subdistrict which shall provide for institutions
117 and places for the edification of the public in the history
118 and science of transportation, communications and powering,
119 and more specifically for the preservation and display of
120 artifacts related to man's efforts to transport materials,
121 people, and ideas and to create, transmit, and utilize
122 power, and for the provision of a library of publications
123 and other records containing history and technology related
124 to transportation, communications and powering, and
125 facilities for the study of such efforts; or which may
126 contract with another person with the capability of
127 providing such services;

128 (15) "Zoological subdistrict" shall consist of such
129 institutions and places for the collection and exhibition of
130 animals and animal life, for the instruction and recreation
131 of the people, for the promotion of zoology and kindred
132 subjects, for the encouragement of zoological study and
133 research and for the increase of public interest in wild
134 animals and in the protection of wild animal life.

184.353. 1. (1) The board of directors of any
2 metropolitan zoological park and museum district, as
3 established according to the provisions of sections 184.350
4 to [184.384] **184.382**, on behalf of the district may request
5 the election officials of any city and county containing all
6 or part of such district to submit the following described
7 proposition to the qualified voters of such district at any

8 general, primary or special election. Such election
9 officials shall give legal notice at least sixty days prior
10 to such general, primary or special election in at least two
11 newspapers that such proposition shall be submitted at any
12 general, primary or special election held for submission of
13 the proposition.

14 (2) Such proposition shall be submitted to the voters
15 in substantially the following form at such election:

16 Shall the Metropolitan Zoological Park and
17 Museum District of the City of _____ and
18 County of _____ be authorized to provide
19 for a Botanical Garden Subdistrict and be
20 authorized to provide the Botanical Garden
21 Subdistrict with a tax rate not in excess of
22 four cents on each \$100 of assessed
23 valuation of taxable property within the
24 district?

25 YES NO

26 (3) In the event that a majority of all the voters
27 voting on such proposition in such city and a majority of
28 voters voting on such proposition in such county cast "YES"
29 votes on the proposition, then the botanical garden
30 subdistrict shall be deemed established and the tax rate, as
31 established by the board for such subdistrict, shall be
32 deemed in full force and effect as of the first day of the
33 second month following the election. The results of the
34 election shall be certified by the election officials of
35 such city and county, respectively, to the respective chief
36 executive officers of such city and county not less than
37 thirty days after the day of the election. The cost of the
38 election shall be paid as provided by sections 115.063 and

39 115.065. In the event the proposition shall fail to receive
40 a majority of the "YES" votes in either the city or the
41 county, then the proposition shall not be resubmitted at any
42 election held prior to the next general or primary election
43 in such city or county in the following year. Any such
44 resubmission shall subsequently comply with the provisions
45 of sections 184.350 to [184.384] **184.382**.

46 (4) If the botanical garden subdistrict shall be
47 established, then its commissioners, or any person with whom
48 its commissioners contract, may establish and charge fees
49 for admission to the premises of the botanical garden
50 subdistrict, or to the premises of any person with whom its
51 commissioners contract, not to exceed one dollar for adults
52 and fifty cents for children under sixteen years of age.
53 Any increase in the fees shall be presented prior to
54 implementation for approval or disapproval to the board of
55 the metropolitan zoological park and museum district of
56 which the botanical garden subdistrict is a member.

57 2. (1) The board of directors of any metropolitan
58 zoological park and museum district, as established
59 according to the provisions of sections 184.350 to [184.384]
60 **184.382**, on behalf of the district may request the election
61 officials of any city and county containing all or part of
62 such district to submit the following described proposition
63 to the qualified voters of such district at any general,
64 primary or special election. Such election officials shall
65 give legal notice at least sixty days prior to such general,
66 primary or special election in at least two newspapers that
67 such proposition shall be submitted at any general, primary
68 or special election held for submission of the proposition.

69 (2) Such proposition shall be submitted to the voters
70 in substantially the following form at such election:

71 Shall the Metropolitan Zoological Park and
72 Museum District of the City of _____ and
73 County of _____ be authorized to provide
74 for a Transport Museum Subdistrict and be
75 authorized to provide the Transport Museum
76 Subdistrict with a tax rate not in excess of
77 four cents on each \$100 of assessed
78 valuation of taxable property within the
79 district?

80 YES NO

81 (3) In the event that a majority of all the voters
82 voting on such proposition in such city and a majority of
83 voters voting on such proposition in such county cast "YES"
84 votes on the proposition, then the transport museum
85 subdistrict shall be deemed established and the tax rate, as
86 established by the board for such subdistrict, shall be
87 deemed in full force and effect as of the first day of the
88 second month following the election. The results of the
89 election shall be certified by the election officials of
90 such city and county, respectively, to the respective chief
91 executive officers of such city and county not less than
92 thirty days after the day of the election. The cost of the
93 election shall be paid as provided by sections 115.063 and
94 115.065. In the event the proposition shall fail to receive
95 a majority of the "YES" votes in either the city or the
96 county, then the proposition shall not be resubmitted at any
97 election held prior to the next general or primary election
98 in such city or county in the following year. Any such
99 resubmission shall subsequently comply with the provisions
100 of sections 184.350 to [184.384] **184.382**.

101 (4) If the transport museum subdistrict shall be
102 established, then its commissioners, or any person with whom

103 its commissioners contract, may establish and charge fees
104 for admission to the premises of the transport museum
105 subdistrict, or to the premises of any person with whom its
106 commissioners contract, not to exceed one dollar for adults
107 and fifty cents for children under sixteen years of age.
108 Any increase in the fees shall be presented prior to
109 implementation for approval or disapproval to the board of
110 the metropolitan zoological park and museum district of
111 which the transport museum subdistrict is a member.

112 3. (1) The board of directors of any metropolitan
113 zoological park and museum district, as established
114 according to the provisions of sections 184.350 to [184.384]
115 **184.382**, on behalf of the district may request the election
116 officials of any city and county containing all or part of
117 such district to submit the following described proposition
118 to the qualified voters of such district at any general,
119 primary or special election. Such election officials shall
120 give legal notice at least sixty days prior to such general,
121 primary or special election in at least two newspapers that
122 such proposition shall be submitted at any general, primary
123 or special election held for submission of the proposition.

124 (2) Such proposition shall be submitted to the voters
125 in substantially the following form at such election:

126 Shall the Metropolitan Zoological Park and
127 Museum District of the City of _____ and the
128 County of _____ be authorized to provide for
129 a Missouri History Museum Subdistrict and be
130 authorized to provide the Missouri History
131 Museum Subdistrict with a tax rate not in
132 excess of four cents on each \$100 of assessed
133 valuation of taxable property within the
134 district?

135

 YES NO

136 (3) In the event that a majority of all the voters
137 voting on such proposition in such city and a majority of
138 voters voting on such proposition in such county cast "YES"
139 votes on the proposition, then the Missouri history museum
140 subdistrict shall be deemed established and the tax rate, as
141 established by the board for such subdistrict, shall be
142 deemed in full force and effect as of the first day of the
143 second month following the election. The results of the
144 election shall be certified by the election officials of
145 such city and county, respectively, to the respective chief
146 executive officers of such city and county not less than
147 thirty days after the day of the election. The cost of the
148 election shall be paid as provided by sections 115.063 and
149 115.065. In the event the proposition shall fail to receive
150 a majority of the "YES" votes in either the city or the
151 county, then the proposition shall not be resubmitted at any
152 election held prior to the next general or primary or
153 special election in such city or county in the following
154 year. Any such resubmission shall subsequently comply with
155 the provisions of sections 184.350 to **[184.384] 184.382.**

156 4. (1) The board of directors of any metropolitan
157 zoological park and museum district, as established
158 according to the provisions of sections 184.350 to 184.354,
159 on behalf of the district may request the election officials
160 of any city and county containing all or part of such
161 district to submit the following described proposition to
162 the qualified voters of such district at any general,
163 primary or special election. Such election officials shall
164 give legal notice at least sixty days prior to such general,

165 primary or special election in at least two newspapers that
166 such proposition shall be submitted at any general, primary
167 or special election held for submission of the proposition.

168 (2) Such proposition shall be submitted to the voters
169 in substantially the following form at such election:

170 Shall the Metropolitan Zoological Park and
171 Museum District of the City of _____ and
172 County of _____ be authorized to provide
173 for a Symphony Orchestra Subdistrict and be
174 authorized to provide the Symphony Orchestra
175 Subdistrict with a tax rate not in excess of
176 four cents on each \$100 of assessed
177 valuation of taxable property within the
178 district?

179 YES NO

180 (3) In the event that a majority of all the voters
181 voting on such proposition in such city and a majority of
182 voters voting on such proposition in such county cast "YES"
183 votes on the proposition, then the symphony orchestra
184 subdistrict shall be deemed established and the tax rate, as
185 established by the board for such subdistrict, shall be
186 deemed in full force and effect as of the first day of the
187 second month following the election. The results of the
188 election shall be certified by the election officials of
189 such city and county not less than thirty days after the day
190 of election. The cost of the election shall be paid as
191 provided by sections 115.063 and 115.065. In the event the
192 proposition shall fail to receive a majority of the "YES"
193 votes in either the city or the county, then the proposition
194 shall not be resubmitted at any election held prior to the
195 next general or primary in such city or county in the

196 following year. Any such resubmission shall subsequently
197 comply with the provisions of sections 184.350 to [184.384]
198 **184.382.**

199 (4) If the symphony orchestra subdistrict shall be
200 established, then its commissioners, or any person with whom
201 its commissioners contract, may charge such prices from time
202 to time for tickets for performances conducted under the
203 auspices of the subdistrict or as they or such person deem
204 proper; provided, however, that no fewer than fifty tickets
205 for each such performance conducted at the principal concert
206 hall of such subdistrict or such person shall be made
207 available without charge for distribution to members of the
208 general public and no fewer than fifty tickets shall be made
209 available without charge for distribution to students in
210 public and private elementary, secondary schools and
211 colleges and universities in the metropolitan zoological
212 park and museum district and all performances of the
213 symphony orchestra conducted at the principal concert hall
214 of the symphony orchestra within the district shall be
215 offered for broadcast live on a public or commercial AM or
216 FM radio station located in and generally receivable in the
217 district or on a public or commercial broadcast television
218 station located in or generally receivable in the district.
219 The symphony orchestra subdistrict shall institute a fully
220 staffed educational music appreciation program to benefit
221 all of the citizens of the taxing district at a nominal
222 charge.

223 (5) Immediately following the effective date of the
224 symphony orchestra subdistrict tax rate any person receiving
225 funds from said tax rate shall become ineligible for program
226 assistance funding from the Missouri state council on the
227 arts.

228 5. The board of directors of any metropolitan
229 zoological park and museum district, as established
230 according to the provisions of sections 184.350 to [184.384]
231 **184.382**, on behalf of the district may request the election
232 officials of any city and county containing all or part of
233 such district to submit the following described proposition
234 to the qualified voters of such district at any general,
235 primary or special election. Such election officials shall
236 give legal notice at least sixty days prior to such general,
237 primary or special election in at least two newspapers that
238 such proposition shall be submitted at any general, primary
239 or special election held for submission of the proposition.
240 Such proposition shall be submitted to the voters in
241 substantially the following form at such election:

242 Shall a Recreational and Amateur Sports
243 Subdistrict be authorized and provided for
244 by the Metropolitan Zoological Park and
245 Museum District of the City of _____ and
246 the County of _____ and such subdistrict be
247 authorized to establish a tax rate not in
248 excess of four cents on each \$100 of
249 assessed valuation of taxable property
250 within the district for a period not to
251 exceed nine years?

252 YES NO

253 In the event that a majority of all the voters voting on
254 such proposition in such city and a majority of voters
255 voting on such proposition in such county cast "YES" votes
256 on the proposition, then the recreation and amateur sports
257 subdistrict shall be deemed established and the tax rate, as
258 established by the board for such subdistrict, shall be

259 deemed in full force and effect as of the first day of the
260 second month following the election for a period not to
261 exceed nine years. The results of the election shall be
262 certified by the election officials of such city and county,
263 respectively, to the respective chief executive officers of
264 such city and county not less than thirty days after the day
265 of the election. The cost of the election shall be paid as
266 provided by sections 115.063 and 115.065. In the event the
267 proposition shall fail to receive a majority of the "YES"
268 votes in either the city or the county, then the proposition
269 shall not be resubmitted at any election held prior to the
270 next general or primary or special election in such city or
271 county in the following year. Any such resubmission shall
272 subsequently comply with the provisions of sections 184.350
273 to [184.384] **184.382**.

274 6. (1) The board of directors of any metropolitan
275 zoological park and museum district, as established
276 according to the provisions of sections 184.350 to [184.384]
277 **184.382**, on behalf of the district may request the election
278 officials of any city and county containing all or part of
279 such district to submit the following described proposition
280 to the qualified voters of such district at any general,
281 primary or special election. Such election officials shall
282 give legal notice at least sixty days prior to such general,
283 primary or special election in at least two newspapers that
284 such proposition shall be submitted at any general, primary
285 or special election held for submission of the proposition.

286 (2) Such proposition shall be submitted to the voters
287 in substantially the following form at such election:

288 Shall the Metropolitan Zoological Park and
289 Museum District of the City of _____ and County

290 of _____ be authorized to provide for an
291 African-American History Museum and Cultural
292 Subdistrict and be authorized to provide the
293 African-American history museum and cultural
294 subdistrict with a tax rate not in excess of
295 four cents on each \$100 of assessed valuation of
296 taxable property within the district?

297 YES NO

298 (3) In the event that a majority of all the voters
299 voting on such proposition in such city and a majority of
300 voters voting on such proposition in such county cast "YES"
301 votes on the proposition, then the African-American history
302 museum and cultural subdistrict shall be deemed established
303 and the tax rate, as established by the board for such
304 subdistrict, shall be deemed in full force and effect as of
305 the first day of the second month following the election.
306 The results of the election shall be certified by the
307 election officials of such city and county, respectively, to
308 the respective chief executive officers of such city and
309 county not less than thirty days after the day of the
310 election. The cost of the election shall be paid as
311 provided by sections 115.063 and 115.065. In the event the
312 proposition shall fail to receive a majority of the "YES"
313 votes in either the city or the county, then the proposition
314 shall not be resubmitted at any election held prior to the
315 next general or primary election in such city or county in
316 the following year. Any such resubmission shall
317 subsequently comply with the provisions of sections 184.350
318 to [184.384] **184.382**.

319 (4) If the African-American history museum and
320 cultural subdistrict shall be established, then its

321 commissioners, or any person with whom its commissioners
322 contract, may establish and charge fees for admission to the
323 premises of the African-American history museum and cultural
324 subdistrict, or to the premises of any person with whom its
325 commissioners contract, not to exceed one dollar for adults
326 and fifty cents for children under sixteen years of age.
327 Any increase in the fees shall be presented prior to
328 implementation for approval or disapproval to the board of
329 the metropolitan zoological park and museum district of
330 which the African-American history museum and cultural
331 subdistrict is a member.

184.355. 1. Any special purpose subdistrict formed
2 under the provisions of sections 184.350 to ~~184.384~~
3 **184.382** after July 1, 1981, may be dissolved in the
4 following manner: Upon the filing with the governing body
5 of the subdistrict of a petition containing the signatures
6 of qualified voters representing eight percent of the votes
7 cast at the last preceding election for governor of any
8 constitutional charter city not located within a county and
9 qualified voters representing eight percent of the votes
10 cast at the last preceding election for governor of a
11 constitutional charter county adjoining such city, the
12 governing body shall submit the proposition to the voters in
13 the subdistrict using the same procedure and in the same
14 manner so far as practicable as is provided for the
15 submission of the question for forming the subdistrict.
16 Separate petitions shall be filed for each subdistrict
17 sought to be dissolved.

18 2. Such proposition or propositions shall be submitted
19 to the voters in substantially the following form at such
20 election:

13 verified resolution or resolutions approved by the majority
14 of the members of such district board of directors, shall
15 set the date of such election and give notice of such
16 election as provided by sections 115.063 and 115.065.

17 2. Such proposition or propositions shall be jointly
18 or severally submitted to the voters in substantially the
19 following form at such election:

20 (1) Shall the Metropolitan Zoological Park and
21 Museum District of the City of _____ and County
22 of _____ be authorized to increase the tax rate
23 for the zoological park subdistrict up to the
24 maximum tax rate of eight cents, or any percent
25 thereof, on each \$100 of assessed valuation of
26 taxable property within the district for the
27 purpose of operating, maintaining and otherwise
28 financially supporting the subdistrict? The tax
29 rate shall be set annually by the board based on
30 the budget submitted by the zoological park
31 subdistrict and approved by the board. This tax
32 rate shall replace the present tax rate of _____
33 cents for the zoological park subdistrict.

34 YES NO

35 (2) Shall the Metropolitan Zoological Park and
36 Museum District of the City of _____ and County
37 of _____ be authorized to increase the tax rate
38 for the art museum subdistrict up to the maximum
39 tax rate of eight cents, or any percent thereof,
40 on each \$100 of assessed valuation of taxable
41 property within the district for the purpose of
42 operating, maintaining and otherwise financially
43 supporting the subdistrict and approved by the
44 board? The tax rate shall be set annually by the
45 board based on the budget submitted by the art
46 museum subdistrict and approved by the board. This
47 tax rate shall replace the present tax rate of _____
48 _____ cents for the art museum subdistrict.

49

 YES NO

50

(3) Shall the Metropolitan Zoological Park and
51 Museum District of the City of _____ and County
52 of _____ be authorized to increase the tax rate
53 for the botanical garden subdistrict up to the
54 maximum tax rate of six cents, or any percent
55 thereof, on each \$100 of assessed valuation of
56 taxable property within the district for the
57 purpose of operating, maintaining and otherwise
58 financially supporting the subdistrict and
59 approved by the board? The tax rate shall be set
60 annually by the board based on the budget
61 submitted by the botanical garden subdistrict and
62 approved by the board. This tax rate shall replace
63 the present tax rate of _____ cents for the
64 botanical garden subdistrict.

65

 YES NO

66

(4) Shall the Metropolitan Zoological Park and
67 Museum District of the City of _____ and County
68 of _____ be authorized to increase the tax rate
69 for the Missouri history museum subdistrict up to
70 the maximum tax rate of six cents, or any percent
71 thereof, on each \$100 of assessed valuation of
72 taxable property within the district for the
73 purpose of operating, maintaining, and otherwise
74 financially supporting the subdistrict and
75 approved by the board? The tax rate shall be set
76 annually by the board based on the budget
77 submitted by the Missouri history museum
78 subdistrict and approved by the board. This tax
79 rate shall replace the present tax rate of _____
80 cents for the Missouri history museum subdistrict.

81

 YES NO

82

In the event that a majority of the voters voting on such
83 proposition or propositions in such city and the majority of

84 the voters voting on such proposition or propositions in
85 such county cast votes "YES" on the proposition or
86 propositions, then the tax rate for such subdistrict shall
87 be deemed in full force and effect as of the first day of
88 the second month following the election. The results of the
89 aforesaid election shall be certified by the election
90 officials of such city and county, respectively, to the
91 respective chief executive officers of such city and county
92 not less than thirty days after the day on which such
93 election was held. The cost of the election shall be paid
94 as provided by sections 115.063 and 115.065. In the event
95 the proposition or propositions shall fail to receive a
96 majority of the votes "YES" in either the city or the
97 county, then the proposition or propositions shall not be
98 resubmitted at any election held within one year of the date
99 of the election the proposition or propositions were
100 rejected.

184.359. 1. Notwithstanding any of the provisions of
2 chapter 137, the board of directors of any metropolitan
3 zoological park and museum district, as established
4 according to the provisions of sections 184.350 to [184.384]
5 **184.382**, on behalf of such district, may request the
6 election officials of any city and county containing all or
7 part of such district to submit to the qualified voters of
8 such district at any municipal, special, primary or general
9 election or elections a referendum or referendums to permit
10 or restore, in part, or, in whole, the tax rate or rates
11 authorized for any subdistrict of such district from time to
12 time under the provisions of sections 184.350 to [184.384]
13 **184.382**.

45 within one year of the date of the election on which such
46 proposal was rejected.

47 5. Such proposal or proposals to the qualified voters
48 of the district may be submitted by a verified resolution of
49 the district board of directors to the respective election
50 officials of the city and county wherein the district is
51 located.

184.362. The use and enjoyment of such institutions
2 and places, museums and parks of any and all of the
3 subdistricts established under sections 184.350 to [184.384]
4 **184.382** shall be forever free and open to the public at such
5 times as may be provided by the reasonable rules and
6 regulations adopted by the respective commissions in order
7 to render the use of the said subdistrict's facilities of
8 the greatest benefit and efficiently to the greatest
9 number. The respective commissions may exclude from the use
10 of the said facilities any and all persons who willfully
11 violate such rules. In addition said commission shall make
12 and adopt such bylaws, rules and regulations for its own
13 guidance and for the election of its members and for the
14 administration of the subdistrict as it may deem expedient
15 and as may not be inconsistent with the provisions of the
16 law. The respective commissions may contract for, or exact,
17 a charge from any person in connection with the use,
18 enjoyment, purchase, license or lease of any property,
19 facility, activity, exhibit, function, or personnel of the
20 respective subdistricts. Said commission shall have
21 exclusive control of the expenditures of all moneys
22 collected by the district to the credit of the subdistrict's
23 fund. The commission of any subdistrict established by the
24 voters under the authority of section 184.350 shall have
25 exclusive control of the construction and maintenance of any

26 subdistrict buildings built or maintained in whole or in
27 part with moneys of said fund and of the supervision, care
28 and custody of the grounds, rooms or buildings constructed,
29 leased or set apart for the purposes of the subdistrict
30 under the authority conferred in this law. The commission
31 of any subdistrict established by the voters under the
32 authority of section 184.350 shall have the power to appoint
33 a director and necessary assistants, to fix their
34 compensation and shall also have power to remove such
35 appointees. All employees, appointees and officers of
36 publicly owned and operated museums and zoological parks
37 shall on the establishment of a subdistrict related thereto
38 become employees of the subdistrict and such appointees' and
39 employees' seniority, pension, salaries, wages and fringe
40 benefits shall be equal to or better than that existing at
41 the time of the establishment of the subdistrict insofar as
42 may be possible. The respective commissions shall whenever
43 the need arises transmit to the district a complete survey
44 and report of the subdistrict's need for construction,
45 reconstruction and repair of improvements, buildings and
46 other facilities and shall include all information and data
47 necessary for the purpose of ascertaining the cost of such
48 improvements and shall further certify to the district the
49 need for incurring additional indebtedness as provided in
50 sections 184.364 to 184.376 herein.

191.211. State expenditures for new programs and
2 initiatives enacted by sections [103.178,] 143.999, 188.230,
3 191.231, 191.825 to 191.839, 208.177, 208.178, 208.179 and
4 208.181, 211.490, 285.240, 337.093, 374.126, 376.891 to
5 376.894, 431.064, 660.016, 660.017 and 660.018, and the
6 state expenditures for the new initiatives and expansion of
7 programs enacted by revising sections 105.711 and 105.721,

8 191.520, 191.600, 198.090, 208.151, 208.152 and 208.215, as
9 provided by H.B. 564, 1993, shall be funded exclusively by
10 federal funds and the funding sources established in
11 sections 149.011, 149.015, 149.035, 149.061, 149.065,
12 149.160, 149.170, 149.180, 149.190 and 149.192, and no
13 future general revenue shall be appropriated to fund such
14 new programs or expansions.

191.828. 1. The following departments shall conduct
2 on-going evaluations of the effect of the initiatives
3 enacted by the following sections:

4 (1) The department of commerce and insurance shall
5 evaluate the effect of revising section 376.782 and sections
6 143.999, 208.178, 374.126, and 376.891 to 376.894;

7 (2) The department of health and senior services shall
8 evaluate the effect of revising sections 105.711 and 191.600
9 and enacting section 191.411, and sections 167.600 to
10 167.621, 191.231, 208.177, 431.064, and 660.016. In
11 collaboration with the state board of registration for the
12 healing arts, the state board of nursing, and the state
13 board of pharmacy, the department of health and senior
14 services shall also evaluate the effect of revising section
15 195.070, section 334.100, and section 335.016, and of
16 sections 334.104 and 334.112, and section 338.095 and
17 338.198;

18 (3) The department of social services shall evaluate
19 the effect of revising section 198.090, and sections
20 208.151, 208.152 and 208.215, and section 383.125, and of
21 sections 167.600 to 167.621, 208.177, 208.178, 208.179,
22 208.181, and 211.490;

23 (4) The office of administration shall evaluate the
24 effect of revising sections 105.711 and 105.721;

25 (5) [The Missouri consolidated health care plan shall
26 evaluate the effect of section 103.178; and

27 (6)] The department of mental health shall evaluate
28 the effect of section 191.831 as it relates to substance
29 abuse treatment and of section 191.835.

30 2. The department of revenue and office of
31 administration shall make biannual reports to the general
32 assembly and the governor concerning the income received
33 into the health initiatives fund and the level of funding
34 required to operate the programs and initiatives funded by
35 the health initiatives fund at an optimal level.

191.831. 1. There is hereby established in the state
2 treasury a "Health Initiatives Fund", to which shall be
3 deposited all revenues designated for the fund under
4 subsection 8 of section 149.015, and subsection 3 of section
5 149.160, and section 167.609, and all other funds donated to
6 the fund or otherwise deposited pursuant to law. The state
7 treasurer shall administer the fund. Money in the fund
8 shall be appropriated to provide funding for implementing
9 the new programs and initiatives established by sections
10 105.711 and 105.721. The moneys in the fund may further be
11 used to fund those programs established by sections 191.411
12 and 191.600, sections 208.151 and 208.152, and sections
13 [103.178,] 143.999, 167.600 to 167.621, 188.230, 191.211,
14 191.231, 191.825 to 191.839, 192.013, 208.177, 208.178,
15 208.179 and 208.181, 211.490, 285.240, 337.093, 374.126,
16 376.891 to 376.894, 431.064, 660.016, 660.017 and 660.018;
17 in addition, not less than fifteen percent of the proceeds
18 deposited to the health initiative fund pursuant to sections
19 149.015 and 149.160 shall be appropriated annually to
20 provide funding for the C-STAR substance abuse
21 rehabilitation program of the department of mental health,

22 or its successor program, and a C-STAR pilot project
23 developed by the director of the division of alcohol and
24 drug abuse and the director of the department of corrections
25 as an alternative to incarceration, as provided in
26 subsections 2, 3, and 4 of this section. Such pilot project
27 shall be known as the "Alt-care" program. In addition, some
28 of the proceeds deposited to the health initiatives fund
29 pursuant to sections 149.015 and 149.160 shall be
30 appropriated annually to the division of alcohol and drug
31 abuse of the department of mental health to be used for the
32 administration and oversight of the substance abuse traffic
33 offender program defined in section 302.010. The provisions
34 of section 33.080 to the contrary notwithstanding, money in
35 the health initiatives fund shall not be transferred at the
36 close of the biennium to the general revenue fund.

37 2. The director of the division of alcohol and drug
38 abuse and the director of the department of corrections
39 shall develop and administer a pilot project to provide a
40 comprehensive substance abuse treatment and rehabilitation
41 program as an alternative to incarceration, hereinafter
42 referred to as "Alt-care". Alt-care shall be funded using
43 money provided under subsection 1 of this section through
44 the Missouri Medicaid program, the C-STAR program of the
45 department of mental health, and the division of alcohol and
46 drug abuse's purchase-of-service system. Alt-care shall
47 offer a flexible combination of clinical services and living
48 arrangements individually adapted to each client and her
49 children. Alt-care shall consist of the following
50 components:

- 51 (1) Assessment and treatment planning;
- 52 (2) Community support to provide continuity,
53 monitoring of progress and access to services and resources;

54 (3) Counseling from individual to family therapy;
55 (4) Day treatment services which include accessibility
56 seven days per week, transportation to and from the Alt-care
57 program, weekly drug testing, leisure activities, weekly
58 events for families and companions, job and education
59 preparedness training, peer support and self-help and daily
60 living skills; and

61 (5) Living arrangement options which are permanent,
62 substance-free and conducive to treatment and recovery.

63 3. Any female who is pregnant or is the custodial
64 parent of a child or children under the age of twelve years,
65 and who has pleaded guilty to or found guilty of violating
66 the provisions of chapter 195, and whose controlled
67 substance abuse was a precipitating or contributing factor
68 in the commission of the offense, and who is placed on
69 probation may be required, as a condition of probation, to
70 participate in Alt-care, if space is available in the pilot
71 project area. Determinations of eligibility for the
72 program, placement, and continued participation shall be
73 made by the division of alcohol and drug abuse, in
74 consultation with the department of corrections.

75 4. The availability of space in Alt-care shall be
76 determined by the director of the division of alcohol and
77 drug abuse in conjunction with the director of the
78 department of corrections. If the sentencing court is
79 advised that there is no space available, the court shall
80 consider other authorized dispositions.

208.244. 1. [Beginning January 1, 2016, the waiver of
2 the work requirement for the supplemental nutrition
3 assistance program under 7 U.S.C. Section 2015(o) shall no
4 longer apply to individuals seeking benefits in this state.

5 The provisions of this subsection shall terminate on January
6 1, 2019.

7 **2.]** Any ongoing savings resulting from a reduction in
8 state expenditures due to modification of the supplemental
9 nutrition assistance program under this section or the
10 temporary assistance for needy families program under
11 sections 208.026 and 208.040 effective on August 28, 2015,
12 subject to appropriations, shall be used to provide child
13 care assistance for single parent households, education
14 assistance, transportation assistance, and job training for
15 individuals receiving benefits under such programs as
16 allowable under applicable state and federal law.

17 **[3.** The department shall make an annual report to the
18 joint committee on government accountability on the progress
19 of implementation of sections 208.026 and 208.040, including
20 information on enrollment, demographics, work participation,
21 and changes to specific policies. The joint committee shall
22 meet at least once a year to review the department's report
23 and shall make recommendations to the president pro tempore
24 of the senate and the speaker of the house of
25 representatives.]

208.471. 1. The department of social services shall
2 make payments to those hospitals which have a Medicaid
3 provider agreement with the department.

4 2. In each state fiscal year, the amount of federal
5 reimbursement allowance levied under sections 208.450 to
6 **[208.482] 208.480** shall not exceed forty-five percent of the
7 total payments to hospitals from the federal reimbursement
8 allowance fund and associated federal match, including
9 payments made to hospitals from state-contracted managed
10 care organizations that are attributed to the federal
11 reimbursement allowance fund and associated federal match.

12 By October first of each subsequent state fiscal year, the
13 department shall report this calculation and the underlying
14 data supporting the calculation to the budget committee of
15 the house of representatives and the appropriations
16 committee of the senate. The underlying data shall include
17 the amount of federal reimbursement allowance assessment
18 levied on the hospitals and the total amount of Medicaid
19 payments to hospitals funded by the federal reimbursement
20 allowance, including payments made to hospitals from all
21 state-contracted managed care organizations in aggregate.
22 Payments made by the department to hospitals and payments
23 made, in aggregate, by all state-contracted managed care
24 organizations to hospitals shall be reported separately.
25 Expenditures reported by the department and all state-
26 contracted managed care organizations in aggregate shall be
27 broken down by fund source, inpatient or outpatient category
28 of service, and individual hospital. In addition, the
29 department shall separately and concurrently disclose the
30 amount of hospital payments made by the department and the
31 amount of hospital payments made by each of the managed care
32 plans, with the payment data broken down by plan, fund
33 source, inpatient or outpatient category of service, and
34 individual hospital, to the hospitals receiving such
35 payments specific to that hospital or to an organization
36 designated by such hospitals to receive such data and as
37 otherwise authorized or required by law. Such payment data
38 shall otherwise be regarded as proprietary and confidential
39 under subdivision (15) of section 610.021.

217.151. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Extraordinary circumstance", a substantial flight
4 risk or some other extraordinary medical or security

5 circumstance that dictates restraints be used to ensure the
6 safety and security of a pregnant offender in her third
7 trimester, a postpartum offender forty-eight hours
8 postdelivery, the staff of the correctional center or
9 medical facility, other offenders, or the public;

10 (2) "Labor", the period of time before a birth during
11 which contractions are present;

12 (3) "Postpartum", the period of recovery immediately
13 following childbirth, which is six weeks for a vaginal birth
14 or eight weeks for a cesarean birth, or longer if so
15 determined by a physician or nurse;

16 (4) "Restraints", any physical restraint or other
17 device used to control the movement of a person's body or
18 limbs.

19 2. Unless extraordinary circumstances exist as
20 determined by a corrections officer, a correctional center
21 shall not use restraints on a pregnant offender in her third
22 trimester during transportation to and from visits to health
23 care providers or court proceedings, or during medical
24 appointments and examinations, labor, delivery, or forty-
25 eight hours postdelivery.

26 3. In the event a corrections officer determines that
27 extraordinary circumstances exist and restraints are
28 necessary, the corrections officer shall fully document in
29 writing within forty-eight hours of the incident the reasons
30 he or she determined such extraordinary circumstances
31 existed, the type of restraints used, and the reasons those
32 restraints were considered the least restrictive available
33 and the most reasonable under the circumstances. Such
34 documents shall be kept on file by the correctional center
35 for at least ten years from the date the restraints were
36 used.

37 4. Any time restraints are used on a pregnant offender
38 in her third trimester or on a postpartum offender forty-
39 eight hours postdelivery, the restraints shall be the least
40 restrictive available and the most reasonable under the
41 circumstances. In no case shall leg, ankle, or waist
42 restraints or any mechanical restraints be used on any such
43 offender, and if wrist restraints are used, such restraints
44 shall be placed in the front of such offender's body to
45 protect the offender and unborn child in the case of a
46 forward fall.

47 5. If a doctor, nurse, or other health care provider
48 treating the pregnant offender in her third trimester or the
49 postpartum offender forty-eight hours postdelivery requests
50 that restraints not be used, the corrections officer
51 accompanying such offender shall immediately remove all
52 restraints.

53 6. Pregnant offenders shall be transported in vehicles
54 equipped with seatbelts.

55 7. The [sentencing and corrections oversight
56 commission established under section 217.147 and the]
57 advisory committee established under section 217.015 shall
58 conduct biannual reviews of every report written on the use
59 of restraints on a pregnant offender in her third trimester
60 or on a postpartum offender forty-eight hours postdelivery
61 in accordance with subsection 3 of this section to determine
62 compliance with this section. The written reports shall be
63 kept on file by the department for ten years.

64 8. The chief administrative officer, or equivalent
65 position, of each correctional center shall:

66 (1) Ensure that employees of the correctional center
67 are provided with training, which may include online

68 training, on the provisions of this section and section
69 217.147; and

70 (2) Inform female offenders, in writing and orally, of
71 any policies and practices developed in accordance with this
72 section upon admission to the correctional center, including
73 policies and practices in any offender handbook, and post
74 the policies and practices in locations in the correctional
75 center where such notices are commonly posted and will be
76 seen by female offenders, including common housing areas and
77 health care facilities.

78 9. The provisions of this section shall apply only to
79 the department of corrections.

301.140. 1. Upon the transfer of ownership of any
2 motor vehicle or trailer, the certificate of registration
3 and the right to use the number plates shall expire and the
4 number plates shall be removed by the owner at the time of
5 the transfer of possession, and it shall be unlawful for any
6 person other than the person to whom such number plates were
7 originally issued to have the same in his or her possession
8 whether in use or not, unless such possession is solely for
9 charitable purposes; except that the buyer of a motor
10 vehicle or trailer who trades in a motor vehicle or trailer
11 may attach the license plates from the traded-in motor
12 vehicle or trailer to the newly purchased motor vehicle or
13 trailer. The operation of a motor vehicle with such
14 transferred plates shall be lawful for no more than thirty
15 days[, or no more than ninety days if the dealer is selling
16 the motor vehicle under the provisions of section 301.213,]
17 or no more than sixty days if the dealer is selling the
18 motor vehicle under the provisions of subsection 5 of
19 section 301.210. As used in this subsection, the term
20 "trade-in motor vehicle or trailer" shall include any single

21 motor vehicle or trailer sold by the buyer of the newly
22 purchased vehicle or trailer, as long as the license plates
23 for the trade-in motor vehicle or trailer are still valid.

24 2. In the case of a transfer of ownership the original
25 owner may register another motor vehicle under the same
26 number, upon the payment of a fee of two dollars, if the
27 motor vehicle is of horsepower, gross weight or (in the case
28 of a passenger-carrying commercial motor vehicle) seating
29 capacity, not in excess of that originally registered. When
30 such motor vehicle is of greater horsepower, gross weight or
31 (in the case of a passenger-carrying commercial motor
32 vehicle) seating capacity, for which a greater fee is
33 prescribed, the applicant shall pay a transfer fee of two
34 dollars and a pro rata portion for the difference in fees.
35 When such vehicle is of less horsepower, gross weight or (in
36 case of a passenger-carrying commercial motor vehicle)
37 seating capacity, for which a lesser fee is prescribed, the
38 applicant shall not be entitled to a refund.

39 3. License plates may be transferred from a motor
40 vehicle which will no longer be operated to a newly
41 purchased motor vehicle by the owner of such vehicles. The
42 owner shall pay a transfer fee of two dollars if the newly
43 purchased vehicle is of horsepower, gross weight or (in the
44 case of a passenger-carrying commercial motor vehicle)
45 seating capacity, not in excess of that of the vehicle which
46 will no longer be operated. When the newly purchased motor
47 vehicle is of greater horsepower, gross weight or (in the
48 case of a passenger-carrying commercial motor vehicle)
49 seating capacity, for which a greater fee is prescribed, the
50 applicant shall pay a transfer fee of two dollars and a pro
51 rata portion of the difference in fees. When the newly
52 purchased vehicle is of less horsepower, gross weight or (in

53 the case of a passenger-carrying commercial motor vehicle)
54 seating capacity, for which a lesser fee is prescribed, the
55 applicant shall not be entitled to a refund.

56 4. (1) The director of the department of revenue
57 shall have authority to produce or allow others to produce a
58 weather resistant, nontearing temporary permit authorizing
59 the operation of a motor vehicle or trailer by a buyer for
60 not more than thirty days, or no more than sixty days if
61 issued by a dealer selling the motor vehicle under the
62 provisions of subsection 5 of section 301.210, from the date
63 of purchase. The temporary permit authorized under this
64 section may be purchased by the purchaser of a motor vehicle
65 or trailer from the central office of the department of
66 revenue or from an authorized agent of the department of
67 revenue upon satisfaction of all applicable taxes under
68 chapter 144, upon proof of purchase of a motor vehicle or
69 trailer for which the buyer has no registration plate
70 available for transfer and upon proof of financial
71 responsibility, or from a motor vehicle dealer upon purchase
72 of a motor vehicle or trailer for which the buyer has no
73 registration plate available for transfer, or from a motor
74 vehicle dealer upon purchase of a motor vehicle or trailer
75 for which the buyer has registered and is awaiting receipt
76 of registration plates. The director of the department of
77 revenue or a producer authorized by the director of the
78 department of revenue may make temporary permits available
79 to registered dealers in this state, authorized agents of
80 the department of revenue or the department of revenue. The
81 price paid by a motor vehicle dealer, an authorized agent of
82 the department of revenue or the department of revenue for a
83 temporary permit shall not exceed five dollars for each
84 permit. The director of the department of revenue shall

85 direct motor vehicle dealers and authorized agents to obtain
86 temporary permits from an authorized producer. Amounts
87 received by the director of the department of revenue for
88 temporary permits shall constitute state revenue; however,
89 amounts received by an authorized producer other than the
90 director of the department of revenue shall not constitute
91 state revenue and any amounts received by motor vehicle
92 dealers or authorized agents for temporary permits purchased
93 from a producer other than the director of the department of
94 revenue shall not constitute state revenue. In no event
95 shall revenues from the general revenue fund or any other
96 state fund be utilized to compensate motor vehicle dealers
97 or other producers for their role in producing temporary
98 permits as authorized under this section. Amounts that do
99 not constitute state revenue under this section shall also
100 not constitute fees for registration or certificates of
101 title to be collected by the director of the department of
102 revenue under section 301.190. No motor vehicle dealer,
103 authorized agent or the department of revenue shall charge
104 more than five dollars for each permit issued. The permit
105 shall be valid for a period of thirty days[, or no more than
106 ninety days if issued by a dealer selling the motor vehicle
107 under the provisions of section 301.213,] or no more than
108 sixty days if issued by a dealer selling the motor vehicle
109 under the provisions of subsection 5 of section 301.210,
110 from the date of purchase of a motor vehicle or trailer, or
111 from the date of sale of the motor vehicle or trailer by a
112 motor vehicle dealer for which the purchaser obtains a
113 permit as set out above. No permit shall be issued for a
114 vehicle under this section unless the buyer shows proof of
115 financial responsibility. Each temporary permit issued
116 shall be securely fastened to the back or rear of the motor

117 vehicle in a manner and place on the motor vehicle
118 consistent with registration plates so that all parts and
119 qualities of the temporary permit thereof shall be plainly
120 and clearly visible, reasonably clean and are not impaired
121 in any way.

122 (2) The provisions of subdivision (1) of this
123 subsection requiring satisfaction of all applicable taxes
124 under chapter 144 shall become effective only upon
125 notification by the director of the department of revenue
126 that implementation of such requirements are technologically
127 feasible following the development and maintenance of a
128 modernized, integrated system for the titling of vehicles,
129 the issuance and renewal of vehicle registrations, the
130 issuance and renewal of drivers' licenses and identification
131 cards, and the perfection and release of liens and
132 encumbrances on vehicles.

133 5. The permit shall be issued on a form prescribed by
134 the director of the department of revenue and issued only
135 for the applicant's temporary operation of the motor vehicle
136 or trailer purchased to enable the applicant to temporarily
137 operate the motor vehicle while proper title and
138 registration plates are being obtained, or while awaiting
139 receipt of registration plates, and shall be displayed on no
140 other motor vehicle. Temporary permits issued pursuant to
141 this section shall not be transferable or renewable, shall
142 not be valid upon issuance of proper registration plates for
143 the motor vehicle or trailer, and shall be returned to the
144 department or to the department's agent upon the issuance of
145 such proper registration plates. Any temporary permit
146 returned to the department or to the department's agent
147 shall be immediately destroyed. The provisions of this
148 subsection shall not apply to temporary permits issued for

149 commercial motor vehicles licensed in excess of twenty-four
150 thousand pounds gross weight. The director of the
151 department of revenue shall determine the size, material,
152 design, numbering configuration, construction, and color of
153 the permit. The director of the department of revenue, at
154 his or her discretion, shall have the authority to reissue,
155 and thereby extend the use of, a temporary permit previously
156 and legally issued for a motor vehicle or trailer while
157 proper title and registration are being obtained.

158 6. Every motor vehicle dealer that issues temporary
159 permits shall keep, for inspection by proper officers, an
160 accurate record of each permit issued by recording the
161 permit number, the motor vehicle dealer's number, buyer's
162 name and address, the motor vehicle's year, make, and
163 manufacturer's vehicle identification number, and the
164 permit's date of issuance and expiration date. Upon the
165 issuance of a temporary permit by either the central office
166 of the department of revenue, a motor vehicle dealer or an
167 authorized agent of the department of revenue, the director
168 of the department of revenue shall make the information
169 associated with the issued temporary permit immediately
170 available to the law enforcement community of the state of
171 Missouri.

172 7. Upon the transfer of ownership of any currently
173 registered motor vehicle wherein the owner cannot transfer
174 the license plates due to a change of motor vehicle
175 category, the owner may surrender the license plates issued
176 to the motor vehicle and receive credit for any unused
177 portion of the original registration fee against the
178 registration fee of another motor vehicle. Such credit
179 shall be granted based upon the date the license plates are

180 surrendered. No refunds shall be made on the unused portion
181 of any license plates surrendered for such credit.

182 8. An additional temporary license plate produced in a
183 manner and of materials determined by the director to be the
184 most cost-effective means of production with a configuration
185 that matches an existing or newly issued plate may be
186 purchased by a motor vehicle owner to be placed in the
187 interior of the vehicle's rear window such that the driver's
188 view out of the rear window is not obstructed and the plate
189 configuration is clearly visible from the outside of the
190 vehicle to serve as the visible plate when a bicycle rack or
191 other item obstructs the view of the actual plate. Such
192 temporary plate is only authorized for use when the matching
193 actual plate is affixed to the vehicle in the manner
194 prescribed in subsection 5 of section 301.130. The fee
195 charged for the temporary plate shall be equal to the fee
196 charged for a temporary permit issued under subsection 4 of
197 this section. Replacement temporary plates authorized in
198 this subsection may be issued as needed upon the payment of
199 a fee equal to the fee charged for a temporary permit under
200 subsection 4 of this section. The newly produced third
201 plate may only be used on the vehicle with the matching
202 plate, and the additional plate shall be clearly
203 recognizable as a third plate and only used for the purpose
204 specified in this subsection.

205 9. Notwithstanding the provisions of section 301.217,
206 the director may issue a temporary permit to an individual
207 who possesses a salvage motor vehicle which requires an
208 inspection under subsection 9 of section 301.190. The
209 operation of a salvage motor vehicle for which the permit
210 has been issued shall be limited to the most direct route
211 from the residence, maintenance, or storage facility of the

212 individual in possession of such motor vehicle to the
213 nearest authorized inspection facility and return to the
214 originating location. Notwithstanding any other
215 requirements for the issuance of a temporary permit under
216 this section, an individual obtaining a temporary permit for
217 the purpose of operating a motor vehicle to and from an
218 examination facility as prescribed in this subsection shall
219 also purchase the required motor vehicle examination form
220 which is required to be completed for an examination under
221 subsection 9 of section 301.190 and provide satisfactory
222 evidence that such vehicle has passed a motor vehicle safety
223 inspection for such vehicle as required in section 307.350.

224 10. The director of the department of revenue may
225 promulgate all necessary rules and regulations for the
226 administration of this section. Any rule or portion of a
227 rule, as that term is defined in section 536.010, that is
228 created under the authority delegated in this section shall
229 become effective only if it complies with and is subject to
230 all of the provisions of chapter 536 and, if applicable,
231 section 536.028. This section and chapter 536 are
232 nonseverable and if any of the powers vested with the
233 general assembly pursuant to chapter 536 to review, to delay
234 the effective date, or to disapprove and annul a rule are
235 subsequently held unconstitutional, then the grant of
236 rulemaking authority and any rule proposed or adopted after
237 August 28, 2012, shall be invalid and void.

238 11. The repeal and reenactment of this section shall
239 become effective on the date the department of revenue or a
240 producer authorized by the director of the department of
241 revenue begins producing temporary permits described in
242 subsection 4 of such section, or on July 1, 2013, whichever
243 occurs first. If the director of revenue or a producer

244 authorized by the director of the department of revenue
245 begins producing temporary permits prior to July 1, 2013,
246 the director of the department of revenue shall notify the
247 revisor of statutes of such fact.

301.190. 1. No certificate of registration of any
2 motor vehicle or trailer, or number plate therefor, shall be
3 issued by the director of revenue unless the applicant
4 therefor shall make application for and be granted a
5 certificate of ownership of such motor vehicle or trailer,
6 or shall present satisfactory evidence that such certificate
7 has been previously issued to the applicant for such motor
8 vehicle or trailer. Application shall be made within thirty
9 days after the applicant acquires the motor vehicle or
10 trailer, unless the motor vehicle was acquired under
11 [section 301.213 or] subsection 5 of section 301.210 in
12 which case the applicant shall make application within
13 thirty days after receiving title from the dealer, upon a
14 blank form furnished by the director of revenue and shall
15 contain the applicant's identification number, a full
16 description of the motor vehicle or trailer, the vehicle
17 identification number, and the mileage registered on the
18 odometer at the time of transfer of ownership, as required
19 by section 407.536, together with a statement of the
20 applicant's source of title and of any liens or encumbrances
21 on the motor vehicle or trailer, provided that for good
22 cause shown the director of revenue may extend the period of
23 time for making such application. When an owner wants to
24 add or delete a name or names on an application for
25 certificate of ownership of a motor vehicle or trailer that
26 would cause it to be inconsistent with the name or names
27 listed on the notice of lien, the owner shall provide the
28 director with documentation evidencing the lienholder's

29 authorization to add or delete a name or names on an
30 application for certificate of ownership.

31 2. The director of revenue shall use reasonable
32 diligence in ascertaining whether the facts stated in such
33 application are true and shall, to the extent possible
34 without substantially delaying processing of the
35 application, review any odometer information pertaining to
36 such motor vehicle that is accessible to the director of
37 revenue. If satisfied that the applicant is the lawful
38 owner of such motor vehicle or trailer, or otherwise
39 entitled to have the same registered in his name, the
40 director shall thereupon issue an appropriate certificate
41 over his signature and sealed with the seal of his office,
42 procured and used for such purpose. The certificate shall
43 contain on its face a complete description, vehicle
44 identification number, and other evidence of identification
45 of the motor vehicle or trailer, as the director of revenue
46 may deem necessary, together with the odometer information
47 required to be put on the face of the certificate pursuant
48 to section 407.536, a statement of any liens or encumbrances
49 which the application may show to be thereon, and, if
50 ownership of the vehicle has been transferred, the name of
51 the state issuing the transferor's title and whether the
52 transferor's odometer mileage statement executed pursuant to
53 section 407.536 indicated that the true mileage is
54 materially different from the number of miles shown on the
55 odometer, or is unknown.

56 3. The director of revenue shall appropriately
57 designate on the current and all subsequent issues of the
58 certificate the words "Reconstructed Motor Vehicle", "Motor
59 Change Vehicle", "Specially Constructed Motor Vehicle", or
60 "Non-USA-Std Motor Vehicle", as defined in section 301.010.

61 Effective July 1, 1990, on all original and all subsequent
62 issues of the certificate for motor vehicles as referenced
63 in subsections 2 and 3 of section 301.020, the director
64 shall print on the face thereof the following designation:
65 "Annual odometer updates may be available from the
66 department of revenue.". On any duplicate certificate, the
67 director of revenue shall reprint on the face thereof the
68 most recent of either:

69 (1) The mileage information included on the face of
70 the immediately prior certificate and the date of purchase
71 or issuance of the immediately prior certificate; or

72 (2) Any other mileage information provided to the
73 director of revenue, and the date the director obtained or
74 recorded that information.

75 4. The certificate of ownership issued by the director
76 of revenue shall be manufactured in a manner to prohibit as
77 nearly as possible the ability to alter, counterfeit,
78 duplicate, or forge such certificate without ready
79 detection. In order to carry out the requirements of this
80 subsection, the director of revenue may contract with a
81 nonprofit scientific or educational institution specializing
82 in the analysis of secure documents to determine the most
83 effective methods of rendering Missouri certificates of
84 ownership nonalterable or noncounterfeitable.

85 5. The fee for each original certificate so issued
86 shall be eight dollars and fifty cents, in addition to the
87 fee for registration of such motor vehicle or trailer. If
88 application for the certificate is not made within thirty
89 days after the vehicle is acquired by the applicant, or
90 where the motor vehicle was acquired under [section 301.213
91 or] subsection 5 of section 301.210 and the applicant fails
92 to make application within thirty days after receiving title

93 from the dealer, a delinquency penalty fee of twenty-five
94 dollars for the first thirty days of delinquency and twenty-
95 five dollars for each thirty days of delinquency thereafter,
96 not to exceed a total of two hundred dollars, but such
97 penalty may be waived by the director for a good cause
98 shown. If the director of revenue learns that any person
99 has failed to obtain a certificate within thirty days after
100 acquiring a motor vehicle or trailer, or where the motor
101 vehicle was acquired under [section 301.213 or] subsection 5
102 of section 301.210 and the applicant fails to make
103 application within thirty days after receiving title from
104 the dealer, or has sold a vehicle without obtaining a
105 certificate, he shall cancel the registration of all
106 vehicles registered in the name of the person, either as
107 sole owner or as a co-owner, and shall notify the person
108 that the cancellation will remain in force until the person
109 pays the delinquency penalty fee provided in this section,
110 together with all fees, charges and payments which the
111 person should have paid in connection with the certificate
112 of ownership and registration of the vehicle. The
113 certificate shall be good for the life of the motor vehicle
114 or trailer so long as the same is owned or held by the
115 original holder of the certificate and shall not have to be
116 renewed annually.

117 6. Any applicant for a certificate of ownership
118 requesting the department of revenue to process an
119 application for a certificate of ownership in an expeditious
120 manner requiring special handling shall pay a fee of five
121 dollars in addition to the regular certificate of ownership
122 fee.

123 7. It is unlawful for any person to operate in this
124 state a motor vehicle or trailer required to be registered

125 under the provisions of the law unless a certificate of
126 ownership has been applied for as provided in this section.

127 8. Before an original Missouri certificate of
128 ownership is issued, an inspection of the vehicle and a
129 verification of vehicle identification numbers shall be made
130 by the Missouri state highway patrol on vehicles for which
131 there is a current title issued by another state if a
132 Missouri salvage certificate of title has been issued for
133 the same vehicle but no prior inspection and verification
134 has been made in this state, except that if such vehicle has
135 been inspected in another state by a law enforcement officer
136 in a manner comparable to the inspection process in this
137 state and the vehicle identification numbers have been so
138 verified, the applicant shall not be liable for the twenty-
139 five dollar inspection fee if such applicant submits proof
140 of inspection and vehicle identification number verification
141 to the director of revenue at the time of the application.
142 The applicant, who has such a title for a vehicle on which
143 no prior inspection and verification have been made, shall
144 pay a fee of twenty-five dollars for such verification and
145 inspection, payable to the director of revenue at the time
146 of the request for the application, which shall be deposited
147 in the state treasury to the credit of the state highways
148 and transportation department fund.

149 9. Each application for an original Missouri
150 certificate of ownership for a vehicle which is classified
151 as a reconstructed motor vehicle, specially constructed
152 motor vehicle, kit vehicle, motor change vehicle, non-USA-
153 std motor vehicle, or other vehicle as required by the
154 director of revenue shall be accompanied by a vehicle
155 examination certificate issued by the Missouri state highway
156 patrol, or other law enforcement agency as authorized by the

157 director of revenue. The vehicle examination shall include
158 a verification of vehicle identification numbers and a
159 determination of the classification of the vehicle. The
160 owner of a vehicle which requires a vehicle examination
161 certificate shall present the vehicle for examination and
162 obtain a completed vehicle examination certificate prior to
163 submitting an application for a certificate of ownership to
164 the director of revenue. Notwithstanding any provision of
165 the law to the contrary, an owner presenting a motor vehicle
166 which has been issued a salvage title and which is ten years
167 of age or older to a vehicle examination described in this
168 subsection in order to obtain a certificate of ownership
169 with the designation prior salvage motor vehicle shall not
170 be required to repair or restore the vehicle to its original
171 appearance in order to pass or complete the vehicle
172 examination. The fee for the vehicle examination
173 application shall be twenty-five dollars and shall be
174 collected by the director of revenue at the time of the
175 request for the application and shall be deposited in the
176 state treasury to the credit of the state highways and
177 transportation department fund. If the vehicle is also to
178 be registered in Missouri, the safety inspection required in
179 chapter 307 and the emissions inspection required under
180 chapter 643 shall be completed and the fees required by
181 section 307.365 and section 643.315 shall be charged to the
182 owner.

183 10. When an application is made for an original
184 Missouri certificate of ownership for a motor vehicle
185 previously registered or titled in a state other than
186 Missouri or as required by section 301.020, it shall be
187 accompanied by a current inspection form certified by a duly
188 authorized official inspection station as described in

189 chapter 307. The completed form shall certify that the
190 manufacturer's identification number for the vehicle has
191 been inspected, that it is correctly displayed on the
192 vehicle and shall certify the reading shown on the odometer
193 at the time of inspection. The inspection station shall
194 collect the same fee as authorized in section 307.365 for
195 making the inspection, and the fee shall be deposited in the
196 same manner as provided in section 307.365. If the vehicle
197 is also to be registered in Missouri, the safety inspection
198 required in chapter 307 and the emissions inspection
199 required under chapter 643 shall be completed and only the
200 fees required by section 307.365 and section 643.315 shall
201 be charged to the owner. This section shall not apply to
202 vehicles being transferred on a manufacturer's statement of
203 origin.

204 11. Motor vehicles brought into this state in a
205 wrecked or damaged condition or after being towed as an
206 abandoned vehicle pursuant to another state's abandoned
207 motor vehicle procedures shall, in lieu of the inspection
208 required by subsection 10 of this section, be inspected by
209 the Missouri state highway patrol in accordance with
210 subsection 9 of this section. If the inspection reveals the
211 vehicle to be in a salvage or junk condition, the director
212 shall so indicate on any Missouri certificate of ownership
213 issued for such vehicle. Any salvage designation shall be
214 carried forward on all subsequently issued certificates of
215 title for the motor vehicle.

216 12. When an application is made for an original
217 Missouri certificate of ownership for a motor vehicle
218 previously registered or titled in a state other than
219 Missouri, and the certificate of ownership has been
220 appropriately designated by the issuing state as a

221 reconstructed motor vehicle, motor change vehicle, specially
222 constructed motor vehicle, or prior salvage vehicle, the
223 director of revenue shall appropriately designate on the
224 current Missouri and all subsequent issues of the
225 certificate of ownership the name of the issuing state and
226 such prior designation. The absence of any prior
227 designation shall not relieve a transferor of the duty to
228 exercise due diligence with regard to such certificate of
229 ownership prior to the transfer of a certificate. If a
230 transferor exercises any due diligence with regard to a
231 certificate of ownership, the legal transfer of a
232 certificate of ownership without any designation that is
233 subsequently discovered to have or should have had a
234 designation shall be a transfer free and clear of any
235 liabilities of the transferor associated with the missing
236 designation.

237 13. When an application is made for an original
238 Missouri certificate of ownership for a motor vehicle
239 previously registered or titled in a state other than
240 Missouri, and the certificate of ownership has been
241 appropriately designated by the issuing state as non-USA-std
242 motor vehicle, the director of revenue shall appropriately
243 designate on the current Missouri and all subsequent issues
244 of the certificate of ownership the words "Non-USA-Std Motor
245 Vehicle".

246 14. The director of revenue and the superintendent of
247 the Missouri state highway patrol shall make and enforce
248 rules for the administration of the inspections required by
249 this section.

250 15. Each application for an original Missouri
251 certificate of ownership for a vehicle which is classified
252 as a reconstructed motor vehicle, manufactured forty or more

253 years prior to the current model year, and which has a value
254 of three thousand dollars or less shall be accompanied by:

255 (1) A proper affidavit submitted by the owner
256 explaining how the motor vehicle or trailer was acquired
257 and, if applicable, the reasons a valid certificate of
258 ownership cannot be furnished;

259 (2) Photocopies of receipts, bills of sale
260 establishing ownership, or titles, and the source of all
261 major component parts used to rebuild the vehicle;

262 (3) A fee of one hundred fifty dollars in addition to
263 the fees described in subsection 5 of this section. Such
264 fee shall be deposited in the state treasury to the credit
265 of the state highways and transportation department fund; and

266 (4) An inspection certificate, other than a motor
267 vehicle examination certificate required under subsection 9
268 of this section, completed and issued by the Missouri state
269 highway patrol, or other law enforcement agency as
270 authorized by the director of revenue. The inspection
271 performed by the highway patrol or other authorized local
272 law enforcement agency shall include a check for stolen
273 vehicles.

274 The department of revenue shall issue the owner a
275 certificate of ownership designated with the words
276 "Reconstructed Motor Vehicle" and deliver such certificate
277 of ownership in accordance with the provisions of this
278 chapter. Notwithstanding subsection 9 of this section, no
279 owner of a reconstructed motor vehicle described in this
280 subsection shall be required to obtain a vehicle examination
281 certificate issued by the Missouri state highway patrol.

301.562. 1. The department may refuse to issue or
2 renew any license required pursuant to sections 301.550 to

3 301.580 for any one or any combination of causes stated in
4 subsection 2 of this section. The department shall notify
5 the applicant or licensee in writing at his or her last
6 known address of the reasons for the refusal to issue or
7 renew the license and shall advise the applicant or licensee
8 of his or her right to file a complaint with the
9 administrative hearing commission as provided by chapter 621.

10 2. The department may cause a complaint to be filed
11 with the administrative hearing commission as provided by
12 chapter 621 against any holder of any license issued under
13 sections 301.550 to 301.580 for any one or any combination
14 of the following causes:

15 (1) The applicant or license holder was previously the
16 holder of a license issued under sections 301.550 to
17 301.580, which license was revoked for cause and never
18 reissued by the department, or which license was suspended
19 for cause and the terms of suspension have not been
20 fulfilled;

21 (2) The applicant or license holder was previously a
22 partner, stockholder, director or officer controlling or
23 managing a partnership or corporation whose license issued
24 under sections 301.550 to 301.580 was revoked for cause and
25 never reissued or was suspended for cause and the terms of
26 suspension have not been fulfilled;

27 (3) The applicant or license holder has, within ten
28 years prior to the date of the application, been finally
29 adjudicated and found guilty, or entered a plea of guilty or
30 nolo contendere, in a prosecution under the laws of any
31 state or of the United States, for any offense reasonably
32 related to the qualifications, functions, or duties of any
33 business licensed under sections 301.550 to 301.580; for any
34 offense, an essential element of which is fraud, dishonesty,

35 or an act of violence; or for any offense involving moral
36 turpitude, whether or not sentence is imposed;

37 (4) Use of fraud, deception, misrepresentation, or
38 bribery in securing any license issued pursuant to sections
39 301.550 to 301.580;

40 (5) Obtaining or attempting to obtain any money,
41 commission, fee, barter, exchange, or other compensation by
42 fraud, deception, or misrepresentation;

43 (6) Violation of, or assisting or enabling any person
44 to violate any provisions of this chapter and chapters 143,
45 144, 306, 307, 407, 578, and 643 or of any lawful rule or
46 regulation adopted pursuant to this chapter and chapters
47 143, 144, 306, 307, 407, 578, and 643;

48 (7) The applicant or license holder has filed an
49 application for a license which, as of its effective date,
50 was incomplete in any material respect or contained any
51 statement which was, in light of the circumstances under
52 which it was made, false or misleading with respect to any
53 material fact;

54 (8) The applicant or license holder has failed to pay
55 the proper application or license fee or other fees required
56 pursuant to this chapter or chapter 306 or fails to
57 establish or maintain a bona fide place of business;

58 (9) Uses or permits the use of any special license or
59 license plate assigned to the license holder for any purpose
60 other than those permitted by law;

61 (10) The applicant or license holder is finally
62 adjudged insane or incompetent by a court of competent
63 jurisdiction;

64 (11) Use of any advertisement or solicitation which is
65 false;

66 (12) Violations of sections 407.511 to 407.556,
67 section 578.120, which resulted in a conviction or finding
68 of guilt or violation of any federal motor vehicle laws
69 which result in a conviction or finding of guilt.

70 3. Any such complaint shall be filed within one year
71 of the date upon which the department receives notice of an
72 alleged violation of an applicable statute or regulation.
73 After the filing of such complaint, the proceedings shall,
74 except for the matters set forth in subsection 5 of this
75 section, be conducted in accordance with the provisions of
76 chapter 621. Upon a finding by the administrative hearing
77 commission that the grounds, provided in subsection 2 of
78 this section, for disciplinary action are met, the
79 department may, singly or in combination, refuse to issue
80 the person a license, issue a license for a period of less
81 than two years, issue a private reprimand, place the person
82 on probation on such terms and conditions as the department
83 deems appropriate for a period of one day to five years,
84 suspend the person's license from one day to six days, or
85 revoke the person's license for such period as the
86 department deems appropriate. The applicant or licensee
87 shall have the right to appeal the decision of the
88 administrative hearing commission and department in the
89 manner provided in chapter 536.

90 4. Upon the suspension or revocation of any person's
91 license issued under sections 301.550 to 301.580, the
92 department shall recall any distinctive number plates that
93 were issued to that licensee. If any licensee who has been
94 suspended or revoked shall neglect or refuse to surrender
95 his or her license or distinctive number license plates
96 issued under sections 301.550 to 301.580, the director shall
97 direct any agent or employee of the department or any law

98 enforcement officer, to secure possession thereof and return
99 such items to the director. For purposes of this
100 subsection, a "law enforcement officer" means any member of
101 the highway patrol, any sheriff or deputy sheriff, or any
102 peace officer certified under chapter 590 acting in his or
103 her official capacity. Failure of the licensee to surrender
104 his or her license or distinctive number license plates upon
105 demand by the director, any agent or employee of the
106 department, or any law enforcement officer shall be a class
107 A misdemeanor.

108 5. Notwithstanding the foregoing provisions of this
109 section, the following events or acts by the holder of any
110 license issued under sections 301.550 to 301.580 are deemed
111 to present a clear and present danger to the public welfare
112 and shall be considered cause for suspension or revocation
113 of such license under the procedure set forth in subsection
114 6 of this section, at the discretion of the director:

115 (1) The expiration or revocation of any corporate
116 surety bond or irrevocable letter of credit, as required by
117 section 301.560, without submission of a replacement bond or
118 letter of credit which provides coverage for the entire
119 period of licensure;

120 (2) The failure to maintain a bona fide established
121 place of business as required by section 301.560;

122 (3) Criminal convictions as set forth in subdivision
123 (3) of subsection 2 of this section; or

124 (4) Three or more occurrences of violations which have
125 been established following proceedings before the
126 administrative hearing commission under subsection 3 of this
127 section, or which have been established following
128 proceedings before the director under subsection 6 of this
129 section, of this chapter and chapters 143, 144, 306, 307,

130 578, and 643 or of any lawful rule or regulation adopted
131 under this chapter and chapters 143, 144, 306, 307, 578, and
132 643, not previously set forth herein.

133 6. (1) Any license issued under sections 301.550 to
134 301.580 may be suspended or revoked, following an
135 evidentiary hearing before the director or his or her
136 designated hearing officer, if affidavits or sworn testimony
137 by an authorized agent of the department alleges the
138 occurrence of any of the events or acts described in
139 subsection 5 of this section.

140 (2) For any license which the department believes may
141 be subject to suspension or revocation under this
142 subsection, the director shall immediately issue a notice of
143 hearing to the licensee of record. The director's notice of
144 hearing:

145 (a) Shall be served upon the licensee personally or by
146 first class mail to the dealer's last known address, as
147 registered with the director;

148 (b) Shall be based on affidavits or sworn testimony
149 presented to the director, and shall notify the licensee
150 that such information presented therein constitutes cause to
151 suspend or revoke the licensee's license;

152 (c) Shall provide the licensee with a minimum of ten
153 days' notice prior to hearing;

154 (d) Shall specify the events or acts which may provide
155 cause for suspension or revocation of the license, and shall
156 include with the notice a copy of all affidavits, sworn
157 testimony or other information presented to the director
158 which support discipline of the license; and

159 (e) Shall inform the licensee that he or she has the
160 right to attend the hearing and present any evidence in his
161 or her defense, including evidence to show that the event or

162 act which may result in suspension or revocation has been
163 corrected to the director's satisfaction, and that he or she
164 may be represented by counsel at the hearing.

165 (3) At any hearing before the director conducted under
166 this subsection, the director or his or her designated
167 hearing officer shall consider all evidence relevant to the
168 issue of whether the license should be suspended or revoked
169 due to the occurrence of any of the acts set forth in
170 subsection 5 herein. Within twenty business days after such
171 hearing, the director or his or her designated hearing
172 officer shall issue a written order, with findings of fact
173 and conclusions of law, which either grants or denies the
174 issuance of an order of suspension or revocation. The
175 suspension or revocation shall be effective ten days after
176 the date of the order. The written order of the director or
177 his or her hearing officer shall be the final decision of
178 the director and shall be subject to judicial review under
179 the provisions of chapter 536.

180 (4) Notwithstanding the provisions of this chapter or
181 chapter 610 or 621 to the contrary, the proceedings under
182 this subsection shall be closed and no order shall be made
183 public until it is final, for purposes of appeal.

184 7. In lieu of acting under subsection 2 or 6 of this
185 section, the department of revenue may enter into an
186 agreement with the holder of the license to ensure future
187 compliance with sections 301.210, [301.213,] 307.380,
188 sections 301.217 to 301.229, and sections 301.550 to
189 301.580. Such agreement may include an assessment fee not
190 to exceed five hundred dollars per violation or five
191 thousand dollars in the aggregate unless otherwise permitted
192 by law, probation terms and conditions, and other
193 requirements as may be deemed appropriate by the department

194 of revenue and the holder of the license. Any fees
195 collected by the department of revenue under this subsection
196 shall be deposited into the motor vehicle commission fund
197 created in section 301.560.

313.270. 1. The director, pursuant to rules and
2 regulations issued by the commission, may directly purchase
3 or lease such goods or services as are necessary for
4 effectuating the purposes of sections 313.200 to 313.350,
5 including procurements which integrate functions such as
6 lottery game design, supply of goods and services, and
7 advertising. The lottery commission by approved rule may
8 purchase goods made in the United States and sold by a
9 Missouri business to be given away as prizes within the
10 provisions of section 313.321. Contracts shall be awarded
11 to lottery contractors or lottery vendors on the basis of
12 lowest and best bid on an evaluated basis in order to
13 maximize revenues to the lottery fund. The director may
14 also utilize state purchasing procedures. [The director
15 shall award at least ten percent of the aggregate dollar
16 amount of all contracts to provide goods and services to the
17 lottery to minority business enterprises as defined by the
18 office of administration and shall award at least five
19 percent of the aggregate dollar amount of all contracts to
20 provide goods and services to the lottery to women business
21 enterprises as defined by the office of administration.] No
22 contract awarded or entered into by the director may be
23 assigned by the holder thereof except by specific approval
24 of the commission.

25 2. [Any contract awarded to any lottery contractor or
26 vendor shall provide that such contractor or vendor shall
27 award a minimum of ten percent of his subcontracted business
28 to minority business enterprises as defined by the office of

29 administration and shall award a minimum of five percent of
30 his subcontracted business to women business enterprises as
31 defined by the office of administration. This section shall
32 not apply to multistate lottery.

33 [3.] Any lottery vendor which enters into a contract to
34 supply lottery materials, services or equipment for use in
35 the operation of the state lottery shall first disclose such
36 information as the commission may require, by rule and
37 regulation, concerning the selection of lottery vendors.

38 [4.] 3. The costs of any investigation into the
39 background of the applicant seeking a contract shall be
40 assessed against the applicant and shall be paid by the
41 applicant at the time of billing by the state.

42 [5.] 4. Performance bonds shall be posted by each
43 contractor with the commission with a surety acceptable to
44 the commission in an amount as may be required by the
45 commission, but not to exceed the expected total value of
46 the contract. The contract of any lottery contractor who
47 does not comply with such requirements may be terminated by
48 the commission. The commission may terminate the contract
49 of any lottery vendor who:

- 50 (1) Is convicted of any felony;
- 51 (2) Is convicted of any gambling-related offense;
- 52 (3) Is convicted of any crime involving fraud or
53 misrepresentation;
- 54 (4) Fails to comply with the rules and regulations of
55 the commission existing at the time the contract was entered
56 into; or
- 57 (5) Fails to periodically update any disclosure
58 requirements.

59 [6. The provisions in this section requiring that
60 certain percentages of lottery contracts and subcontracts be

61 awarded to businesses owned and controlled by women or
62 ethnic and racial minorities shall expire on January 1,
63 2005.]

320.092. 1. Tax credits issued pursuant to sections
2 135.400 [,] and 135.750 [and 320.093] shall be subject to
3 oversight provisions. Effective January 1, 2000,
4 notwithstanding the provisions of section 32.057, the board,
5 department or authority issuing tax credits shall annually
6 report to the office of administration, president pro tem of
7 the senate, and the speaker of the house of representatives
8 regarding the tax credits issued pursuant to sections
9 135.400 [,] and 135.750 [and 320.093] which were issued in
10 the previous fiscal year. The report shall contain, but not
11 be limited to, the aggregate number and dollar amount of tax
12 credits issued by the board, department or authority, the
13 number and dollar amount of tax credits claimed by
14 taxpayers, and the number and dollar amount of tax credits
15 unclaimed by taxpayers as well as the number of years
16 allowed for claims to be made. This report shall be
17 delivered no later than November of each year.

18 2. The reporting requirements established pursuant to
19 subsection 1 of this section shall also apply to the
20 department of economic development and the Missouri
21 development finance board established pursuant to section
22 100.265. The department and the Missouri development
23 finance board shall report on the tax credit programs which
24 they respectively administer that are authorized under the
25 provisions of chapters 32, 100, 135, 178, 253, 348, 447 and
26 620.

375.330. 1. No insurance company formed under the
2 laws of this state shall be permitted to purchase, hold or

3 convey real estate, excepting for the purpose and in the
4 manner herein set forth, to wit:

5 (1) Such as shall be necessary for its accommodation
6 in the transaction of its business; provided that before the
7 purchase of real estate for any such purpose, the approval
8 of the director of the department of commerce and insurance
9 must be first had and obtained, and except with the approval
10 of the director, the value of such real estate, together
11 with all appurtenances thereto, purchased for such purpose
12 shall not exceed twenty percent of the insurance company's
13 capital and surplus as shown by its last annual statement; or

14 (2) Such as shall have been mortgaged in good faith by
15 way of security for loans previously contracted, or for
16 moneys due; or

17 (3) Such as shall have been conveyed to it in
18 satisfaction of debts contracted in the course of its
19 dealings; or

20 (4) Such as shall have been purchased at sales upon
21 the judgments, decrees or mortgages obtained or made for
22 such debts; or

23 (5) Such as shall be necessary and proper for carrying
24 on its legitimate business under the provisions of the Urban
25 Redevelopment Corporations Act; or

26 (6) Such as shall have been acquired under the
27 provisions of the Urban Redevelopment Corporations Act
28 permitting such company to purchase, own, hold or convey
29 real estate; or

30 (7) Such real estate, or any interest therein, as may
31 be acquired or held by it by purchase, lease or otherwise,
32 as an investment for the production of income, which real
33 estate or interest therein may thereafter be held, improved,
34 developed, maintained, managed, leased, sold or conveyed by

35 it as real estate necessary and proper for carrying on its
36 legitimate business; or

37 (8) A reciprocal or interinsurance exchange may, in
38 its own name, purchase, sell, mortgage, hold, encumber,
39 lease, convey, or otherwise affect the title to real
40 property for the purposes and objects of the reciprocal or
41 interinsurance exchange. Such deeds, notes, mortgages or
42 other documents relating to real property may be executed by
43 the attorney in fact of the reciprocal or interinsurance
44 exchange. This provision shall be retroactive and shall
45 apply to real estate owned or sold by a reciprocal insurer
46 prior to August 28, 1990.

47 2. The investments acquired under subdivision (7) of
48 subsection 1 of this section may be in either existing or
49 new business or industrial properties, or for new
50 residential properties or new housing purposes.

51 3. Provided, no such insurance company shall invest
52 more than ten percent of its admitted assets, as shown by
53 its last annual statement preceding the date of acquisition,
54 as filed with the director of the department of commerce and
55 insurance of the state of Missouri, in the total amount of
56 real estate acquired under subdivision (7) of subsection 1,
57 nor more under subdivision (7) of subsection 1 than one
58 percent of its admitted assets or ten percent of its capital
59 and surplus, whichever is greater, in any one property, nor
60 more under subdivision (7) of subsection 1 than one percent
61 of its admitted assets or ten percent of its capital and
62 surplus, whichever is greater, in total properties leased or
63 rented to any one individual, partnership or corporation.

64 4. It shall not be lawful for any company incorporated
65 as aforesaid to purchase, hold or convey real estate in any
66 other case or for any other purpose; and all such real

67 estate acquired in payment of a debt, by foreclosure or
68 otherwise, and real estate exchanged therefor, shall be sold
69 and disposed of within ten years after such company shall
70 have acquired absolute title to the same, unless the company
71 owning such real estate or interest therein shall elect to
72 hold it pursuant to subdivision (7) of subsection 1.

73 5. The director of the department of commerce and
74 insurance may, for good cause shown, extend the time for
75 holding such real estate acquired in paying of a debt, by
76 foreclosure or otherwise, and real estate exchanged
77 therefor, and not held by the company under subdivision (7)
78 of subsection 1, for such period as he may find to be to the
79 best interests of the policyholders of said company.

80 6. [If a life insurance company depositing under
81 section 376.170 becomes the owner of real estate pursuant to
82 this section, the company may execute its own deed for the
83 real estate to the director of the department of commerce
84 and insurance, as trustee. The deed may be deposited with
85 the director as proper security, under and according to the
86 provisions of sections 376.010 to 376.670, the value to be
87 subject to the approval of the director.

88 7.] This section shall not apply to an insurer
89 organized under chapter 376 **or licensed under chapter 354.**

376.309. 1. As used in this section, "separate
2 account" means an account established by an insurance
3 company, into which any amounts paid to or held by such
4 company under applicable contracts are credited and the
5 assets of which, subject to the provisions of this section,
6 may be invested in such investments as shall be authorized
7 by a resolution adopted by such company's board of
8 directors. The income, if any, and gains and losses,
9 realized or unrealized, on such account shall be credited to

10 or charged against the amounts allocated to such account
11 without regard to other income, gains or losses of the
12 company. If and to the extent so provided under the
13 applicable contracts, that portion of the assets of any such
14 separate account equal to the reserves and other contract
15 liabilities with respect to such account shall not be
16 chargeable with liabilities arising out of any other
17 business the company may conduct.

18 2. Any domestic life insurance company may, after
19 adoption of a resolution by its board of directors,
20 establish one or more separate accounts, and may allocate to
21 such account or accounts any amounts paid to or held by it
22 which are to be applied under the terms of an individual or
23 group contract to provide benefits payable in fixed or in
24 variable dollar amounts or in both.

25 3. To the extent it deems necessary to comply with any
26 applicable federal or state act, the company may, with
27 respect to any separate account or any portion thereof,
28 provide for the benefit of persons having beneficial
29 interests therein special voting and other rights and
30 special procedures for the conduct of the business and
31 affairs of such separate account or portion thereof,
32 including, without limitation, special rights and procedures
33 relating to investment policy, investment advisory services,
34 selection of public accountants, and selection of a
35 committee, the members of which need not be otherwise
36 affiliated with the company, to manage the business and
37 affairs of such separate account or portion thereof; and the
38 corporate charter of such company shall be deemed amended to
39 authorize the company to do so. The provisions of this
40 section shall not affect existing laws pertaining to the
41 voting rights of such company's policyholders.

42 4. The amounts allocated to any separate account and
43 the accumulations thereon may be invested and reinvested
44 without regard to any requirements or limitations prescribed
45 by the laws of this state governing the investments of life
46 insurance companies, and the investments in such separate
47 account or accounts shall not be taken into account in
48 applying the investment limitations, including but not
49 limited to quantitative restrictions, otherwise applicable
50 to the investments of the company, except that to the extent
51 that the company's reserve liability with regard to benefits
52 guaranteed as to principal amount and duration, and funds
53 guaranteed as to principal amount or stated rate of
54 interest, is maintained in any separate account, a portion
55 of the assets of such separate account at least equal to
56 such reserve liability shall be, except as the director
57 might otherwise approve, invested in accordance with the
58 laws of this state governing the general investment account
59 of any company. As used herein, the expression "general
60 investment account" shall mean all of the funds, assets and
61 investments of the company which are not allocated in a
62 separate account. [The provisions of section 376.170
63 relating to deposits for registered policies shall not be
64 applicable to funds and investments allocated to separate
65 accounts.] No investment in the separate account or in the
66 general investment account of a life insurance company shall
67 be transferred by sale, exchange, substitution or otherwise
68 from one account to another unless, in case of a transfer
69 into a separate account, the transfer is made solely to
70 establish the account or to support the operation of the
71 contracts with respect to the separate account to which the
72 transfer is made or unless the transfer, whether into or
73 from a separate account, is made by a transfer of cash, or

74 by a transfer of other assets having a readily determinable
75 market value, provided that such transfer of other assets is
76 approved by the director and is for assets of equivalent
77 value. Such transfer shall be deemed approved to the extent
78 the assets of a separate account so transferred have been
79 paid to or are being held by the company in connection with
80 a pension, retirement or profit-sharing plan subject to the
81 provisions of the Internal Revenue Code, as amended, and the
82 Employee Retirement Income Security Act of 1974, as
83 amended. The director may withdraw such deemed approval by
84 providing written notice to the company that its financial
85 condition or past practices require such withdrawal. The
86 director may approve other transfers among such accounts if
87 the director concludes that such transfers would be
88 equitable.

89 5. Unless otherwise approved by the director, assets
90 allocated to a separate account shall be valued at their
91 market value on the date of valuation, or if there is no
92 readily available market, then as provided under the terms
93 of the contract or the rules or other written agreement
94 applicable to such separate account; provided, that the
95 portion of the assets of such separate account at least
96 equal to the company's reserve liability with regard to the
97 guaranteed benefits and funds referred to in subsection 4 of
98 this section, if any, shall be valued in accordance with the
99 rules otherwise applicable to the company's assets.

100 6. The director shall have the sole and exclusive
101 authority to regulate the issuance and authority to regulate
102 the sale of contracts under which amounts are to be
103 allocated to one or more separate accounts as provided
104 herein, and to issue such reasonable rules, regulations and
105 licensing requirements as the director shall deem necessary

106 to carry out the purposes and provisions of this section;
107 and the companies that issue such contracts shall not be
108 subject to registration with the commissioner of
109 securities. The director may, subject to the provisions of
110 section 374.185, consult and cooperate with the commissioner
111 of securities in investigations arising from the offer and
112 sale of contracts regulated under this section and may
113 request assistance from the commissioner of securities in
114 any proceeding arising from the offer and sale of any such
115 contracts.

116 7. No domestic life insurance company, and no other
117 life insurance company admitted to transact business in this
118 state, shall be authorized to deliver within this state any
119 contract under which amounts are to be allocated to one or
120 more separate accounts as provided herein until said company
121 has satisfied the director that its condition or methods of
122 operation in connection with the issuance of such contracts
123 will not render its operation hazardous to the public or its
124 policyholders in this state. In determining the
125 qualifications of a company requesting authority to deliver
126 such contracts within this state, the director shall
127 consider, among other things:

128 (1) The history and financial condition of the company;

129 (2) The character, responsibility and general fitness
130 of the officers and directors of the company; and

131 (3) In the case of a company other than a domestic
132 company, whether the statutes and regulations of the
133 jurisdiction of its incorporation provide a degree of
134 protection to policyholders and the public which is
135 substantially equal to that provided by this section and the
136 rules and regulations issued thereunder.

137 8. An authorized life insurance company, whether
138 domestic, foreign or alien, which issues contracts under
139 which amounts are to be allocated to one or more separate
140 accounts as provided herein, and which is a subsidiary of or
141 affiliated through common management or ownership with
142 another life insurance company authorized to do business in
143 this state, may be deemed to have met the provisions of
144 subsection 7 of this section if either it or the parent or
145 affiliated company meets the requirements thereof.

146 9. If the contract provides for payment of benefits in
147 variable amounts, it shall contain a statement of the
148 essential features of the procedure to be followed by the
149 company in determining the dollar amount of such variable
150 benefits. Any such contract, including a group contract,
151 and any certificate issued thereunder, shall state that such
152 dollar amount may decrease or increase and shall contain on
153 its first page a statement that the benefits thereunder are
154 on a variable basis.

155 10. Except as otherwise provided in this section, all
156 pertinent provisions of the insurance laws of this state
157 shall apply to separate accounts and contracts relating
158 thereto.

379.316. 1. Section 379.017 and sections 379.316 to
2 379.361 apply to insurance companies incorporated pursuant
3 to sections 379.035 to [379.355] **379.055**, section 379.080,
4 sections 379.060 to 379.075, sections 379.085 to 379.095,
5 [sections 379.205 to 379.310,] and to insurance companies of
6 a similar type incorporated pursuant to the laws of any
7 other state of the United States, and alien insurers
8 licensed to do business in this state, which transact fire
9 and allied lines, marine and inland marine insurance, to any
10 and all combinations of the foregoing or parts thereof, and

11 to the combination of fire insurance with other types of
12 insurance within one policy form at a single premium, on
13 risks or operations in this state, except:

14 (1) Reinsurance, other than joint reinsurance to the
15 extent stated in section 379.331;

16 (2) Insurance of vessels or craft, their cargoes,
17 marine builders' risks, marine protection and indemnity, or
18 other risks commonly insured pursuant to marine, as
19 distinguished from inland marine, insurance policies;

20 (3) Insurance against loss of or damage to aircraft,
21 or against liability, other than employers' liability,
22 arising out of the ownership, maintenance, or use of
23 aircraft;

24 (4) All forms of motor vehicle insurance; and

25 (5) All forms of life, accident and health, and
26 workers' compensation insurance.

27 2. Inland marine insurance shall be deemed to include
28 insurance now or hereafter defined by statute, or by
29 interpretation thereof, or if not so defined or interpreted,
30 by ruling of the director, or as established by general
31 custom of the business, as inland marine insurance.

32 3. Commercial property and commercial casualty
33 insurance policies are subject to rate and form filing
34 requirements as provided in section 379.321.

379.670. The subscribers so contracting among
2 themselves shall, through their attorney, file with the
3 director of the department of commerce and insurance of this
4 state a declaration verified by the oath of the attorney
5 setting forth:

6 (1) The name or title of the office at which the
7 subscribers propose to exchange indemnity contracts. The
8 name or title shall not be so similar to any other name or

9 title previously adopted by a similar organization or by any
10 insurance corporation or association as in the opinion of
11 the director of the department of commerce and insurance is
12 calculated to result in confusion or deception;

13 (2) The kind or kinds of insurance to be effected or
14 exchanged;

15 (3) A copy of the form of policy contract or agreement
16 under or by which the insurance is to be effected or
17 exchanged;

18 (4) A copy of the form of power of attorney or other
19 authority of the attorney under which the insurance is to be
20 effected or exchanged;

21 (5) The location of the offices from which the
22 contracts or agreements are to be issued;

23 (6) That, except as to the kinds of insurance herein
24 specifically mentioned in this subdivision, applications
25 have been made for indemnity upon at least one hundred
26 separate risks aggregating not less than one and one-half
27 million dollars represented by executed contracts or bona
28 fide applications to become concurrently effective. In the
29 case of employer's liability or workers' compensation
30 insurance, applications shall have been made for indemnity
31 upon at least one hundred separate risks covering a total
32 payroll of not less than two and one-half million dollars as
33 represented by executed contracts or bona fide applications
34 to become concurrently effective. In the case of automobile
35 insurance, applications shall have been made for indemnity
36 upon at least one thousand motor vehicles or for insurance
37 aggregating not less than one and one-half million dollars
38 represented by executed contracts or bona fide applications
39 to become concurrently effective on any or all classes of

40 automobile insurance effected by the subscribers through the
41 attorney;

42 (7) That there is in the possession of the attorney
43 and available for the payment of losses, assets conforming
44 to the requirements of [sections 379.700 and] **section**
45 379.710.

379.720. 1. If at any time the amounts on hand are
2 less than the requirements of [sections 379.700 and] **section**
3 379.710, the subscribers or their attorney for them shall
4 make up the deficiency.

5 2. Where funds other than those which have accrued
6 from premiums or deposits of subscribers are supplied to
7 make up a deficiency as herein provided for they shall be
8 deposited and held for the benefit of subscribers under such
9 terms and conditions as the director of the department of
10 commerce and insurance may require so long as the deficiency
11 exists, thereafter to be returned to the depositors.

12 3. "Net premiums" or "deposits" as used in this law
13 shall be construed to mean the advance premiums or deposits
14 made by subscribers after deducting therefrom the amount for
15 expenses specifically provided in the subscriber's agreement.

379.1310. 1. A pure captive insurance company may be
2 incorporated as a stock insurer with its capital divided
3 into shares and held by the stockholders as a nonprofit
4 corporation with one or more members, or as a manager-
5 managed limited liability company.

6 2. An association captive insurance company or an
7 industrial insured captive insurance company may be:

8 (1) Incorporated as a stock insurer with its capital
9 divided into shares and held by the stockholders;

10 (2) Incorporated as a mutual insurer without capital
11 stock, the governing body of which is elected by its
12 insureds;

13 (3) Organized as a manager-managed limited liability
14 company; or

15 (4) Organized as a reciprocal insurer in accordance
16 with sections 379.650 to 379.790.

17 3. A captive insurance company incorporated or
18 organized in this state shall have not less than three
19 incorporators or three organizers of whom not less than one
20 shall be a resident of this state.

21 4. In the case of a captive insurance company:

22 (1) Formed as a corporation, before the articles of
23 incorporation are transmitted to the secretary of state, the
24 incorporators shall petition the director to issue a
25 certificate setting forth the director's finding that the
26 establishment and maintenance of the proposed corporation
27 will promote the general good of the state. In arriving at
28 such a finding the director shall consider:

29 (a) The character, reputation, financial standing and
30 purposes of the incorporators;

31 (b) The character, reputation, financial
32 responsibility, insurance experience, and business
33 qualifications of the officers and directors; and

34 (c) Such other aspects as the director shall deem
35 advisable.

36 The articles of incorporation, such certificate, and the
37 organization fee shall be transmitted to the secretary of
38 state, who shall thereupon record both the articles of
39 incorporation and the certificate;

40 (2) Formed as a limited liability company, before the
41 articles of organization are transmitted to the secretary of
42 state, the organizers shall petition the director to issue a
43 certificate setting forth the director's finding that the
44 establishment and maintenance of the proposed company will
45 promote the general good of the state. In arriving at such
46 a finding, the director shall consider the items set forth
47 in paragraphs (a) to (c) of subdivision (1) of this
48 subsection;

49 (3) Formed as a reciprocal insurer, the organizers
50 shall petition the director to issue a certificate setting
51 the director's finding that the establishment and
52 maintenance of the proposed association will promote the
53 general good of the state. In arriving at such a finding
54 the director shall consider the items set forth in
55 paragraphs (a) to (c) of subdivision (1) of this subsection.

56 5. The capital stock of a captive insurance company
57 incorporated as a stock insurer may be authorized with no
58 par value.

59 6. In the case of a captive insurance company:

60 (1) Formed as a corporation, at least one of the
61 members of the board of directors shall be a resident of
62 this state;

63 (2) Formed as a limited liability company, at least
64 one of the managers shall be a resident of this state;

65 (3) Formed as a reciprocal insurer, at least one of
66 the members of the subscribers' advisory committee shall be
67 a resident of this state.

68 7. Other than captive insurance companies formed as
69 limited liability companies under chapter 347, or as
70 nonprofit corporations under chapter 355, captive insurance
71 companies formed as corporations under sections 379.1300 to

72 379.1351 shall have the privileges and be subject to chapter
73 351 as well as the applicable provisions contained in
74 sections 379.1300 to 379.1308. In the event of conflict
75 between the provisions of such general corporation law and
76 sections 379.1300 to 379.1351, sections 379.1300 to 379.1351
77 shall control.

78 8. Captive insurance companies formed under sections
79 379.1300 to 379.1351:

80 (1) As limited liability companies shall have the
81 privileges and be subject to the provisions of chapter 347
82 as well as the applicable provisions contained in sections
83 379.1300 to 379.1351. In the event of a conflict between
84 chapter 347 and sections 379.1300 to 379.1351, sections
85 379.1300 to 379.1351 shall control; or

86 (2) As nonprofit corporations shall have the
87 privileges and be subject to the provisions of chapter 355
88 as well as the applicable provisions contained in sections
89 379.1300 to 379.1351. In the event of conflict between
90 chapter 355 and sections 379.1300 to 379.1351, sections
91 379.1300 to 379.1351 shall control.

92 9. The provisions of [section 375.355,] section
93 375.908, sections 379.980 to 379.988, and chapter 382,
94 pertaining to mergers, consolidations, conversions,
95 mutualizations, redomestications, and mutual holding
96 companies shall apply in determining the procedures to be
97 followed by captive insurance companies in carrying out any
98 of the transactions described therein; except that:

99 (1) The director may waive or modify the requirements
100 for public notice and hearing, or in accordance with rules
101 which the director may adopt addressing categories of
102 transactions, modify the requirements for public notice and
103 hearing. If a notice of public hearing is required, but no

104 one requests a hearing ten days before the day set for the
105 hearing, then the director may cancel the hearing;

106 (2) An alien insurer may be a party to a merger or a
107 redomestication authorized under this subsection, if
108 approved by the director; and

109 (3) The director may issue a certificate of general
110 good to permit the formation of a captive insurance company
111 that is established for the sole purpose of consolidating or
112 merging with or assuming existing insurance or reinsurance
113 business from an existing Missouri licensed captive
114 insurance company. The director may, upon a request of such
115 newly formed captive insurance company, waive or modify the
116 requirements of paragraph (b) of subdivision (1) and
117 subdivision (2) of subsection 3 of section 379.1302.

118 10. The articles of incorporation or bylaws of a
119 captive insurance company formed as a corporation may
120 authorize a quorum of its board of directors to consist of
121 no fewer than one-third of the full board of directors,
122 provided that a quorum shall not consist of fewer than two
123 directors.

124 11. Captive insurance companies formed as reciprocal
125 insurers under the provisions of sections 379.1300 to
126 379.1351 shall have the privileges and be subject to the
127 provisions of sections 379.650 to 379.790 in addition to the
128 applicable provisions of sections 379.1300 to 379.1351. In
129 the event of a conflict between the provisions of sections
130 379.650 to 379.790 and the provisions of sections 379.1300
131 to 379.1351, the latter shall control, to the extent a
132 reciprocal insurer is made subject to other provisions of
133 chapters 374, 375, and 379 under sections 379.650 to
134 379.790, such provisions shall not be applicable to a
135 reciprocal insurer formed under sections 379.1300 to

136 379.1351 unless such provisions are expressly made
137 applicable to captive insurance companies under sections
138 379.1300 to 379.1351.

139 12. The subscribers' agreement or other organizing
140 document of a captive insurance company formed as a
141 reciprocal insurer may authorize a quorum of its
142 subscribers' advisory committee to consist of no fewer than
143 one-third of the number of its members.

382.070. The provisions of sections 382.040, 382.050
2 and 382.060 shall not apply to:

3 (1) Any transaction which is subject to the provisions
4 of section [375.355 or] 375.861; or

5 (2) Any offer, request, invitation, agreement or
6 acquisition which the director by order shall exempt
7 therefrom as not having been made or entered into for the
8 purpose and not having the effect of changing or influencing
9 the control of a domestic insurer, or as otherwise not
10 comprehended within the purposes of sections 382.010 to
11 382.300.

394.120. 1. No person shall become a member of a
2 cooperative unless such person shall agree to use electric
3 energy furnished by the cooperative when such electric
4 energy shall be available through its facilities. The
5 bylaws of a cooperative may provide that any person,
6 including an incorporator, shall cease to be a member
7 thereof if he or she shall fail or refuse to use electric
8 energy made available by the cooperative or if electric
9 energy shall not be made available to such person by the
10 cooperative within a specified time after such person shall
11 have become a member thereof. Membership in the cooperative
12 shall not be transferable, except as provided in the

13 bylaws. The bylaws may prescribe additional qualifications
14 and limitations in respect of membership.

15 2. An annual meeting of the members shall be held at
16 such time as shall be provided in the bylaws.

17 3. Special meetings of the members may be called by
18 the board of directors, by any three directors, by not less
19 than ten percent of the members, or by the president.

20 4. Meetings of members shall be held at such place as
21 may be provided in the bylaws. In the absence of any such
22 provisions, all meetings shall be held in the city or town
23 in which the principal office of the cooperative is located.

24 5. Except as herein otherwise provided, written or
25 printed notice stating the time and place of each meeting of
26 members and, in the case of a special meeting, the purpose
27 or purposes for which the meeting is called, shall be given
28 to each member, either personally or by mail, not less than
29 ten nor more than twenty-five days before the date of the
30 meeting.

31 6. Two percent of the first two thousand members and
32 one percent of the remaining members, present in person, or
33 if the bylaws so provide, participating electronically or by
34 mail, shall constitute a quorum for the transaction of
35 business at all meetings of the members, unless the bylaws
36 prescribe the presence of a greater percentage of the
37 members for a quorum. If less than a quorum is present at
38 any meeting, a majority of those present in person may
39 adjourn the meeting from time to time without further notice.

40 7. Each member shall be entitled to one vote on each
41 matter submitted to a vote at a meeting. Voting shall be in
42 person, but, if the bylaws so provide, may also be by proxy,
43 by electronic means, by mail, or any combination thereof.
44 If the bylaws provide for voting by proxy, by electronic

45 means, or by mail, they shall also prescribe the conditions
46 under which proxy, electronic, or mail voting shall be
47 exercised. In any event, no person shall vote as proxy for
48 more than two members at any meeting of the members.

49 [8. Notwithstanding the provisions of subsections 2
50 and 7 of this section, the board of directors shall have the
51 power to set the time and place of the annual meeting and
52 also to provide for voting by proxy, electronic means, by
53 mail, or any combination thereof, and to prescribe the
54 conditions under which such voting shall be exercised. The
55 meeting requirement provided in this section may be
56 satisfied through virtual means. The provisions of this
57 subsection shall expire on August 28, 2022.]

414.407. 1. As used in this section, the following
2 terms mean:

3 (1) "B-20", a blend of twenty percent by volume
4 biodiesel fuel and eighty percent by volume petroleum-based
5 diesel fuel;

6 (2) "Biodiesel", fuel as defined in ASTM Standard
7 PS121;

8 (3) "EPAct", the federal Energy Policy Act, 42 U.S.C.
9 13201, et seq.;

10 (4) "EPAct credit", a credit issued pursuant to EPAct;

11 (5) "Fund", the biodiesel fuel revolving fund;

12 (6) "Incremental cost", the difference in cost between
13 biodiesel fuel and conventional petroleum-based diesel fuel
14 at the time the biodiesel fuel is purchased.

15 2. The department, in cooperation with the department
16 of agriculture, shall establish and administer an EPAct
17 credit banking and selling program to allow state agencies
18 to use moneys generated by the sale of EPAct credits to
19 purchase biodiesel fuel for use in state vehicles. Each

20 state agency shall provide the department with all vehicle
21 fleet information necessary to determine the number of E Pact
22 credits generated by the agency. The department may sell
23 credits in any manner pursuant to the provisions of E Pact.

24 3. There is hereby created in the state treasury the
25 "Biodiesel Fuel Revolving Fund", into which shall be
26 deposited moneys received from the sale of E Pact credits
27 banked by state agencies on August 28, 2001, and in future
28 reporting years, any moneys appropriated to the fund by the
29 general assembly, and any other moneys obtained or accepted
30 by the department for deposit into the fund. The fund shall
31 be managed to maximize benefits to the state in the purchase
32 of biodiesel fuel and, when possible, to accrue those
33 benefits to state agencies in proportion to the number of
34 E Pact credits generated by each respective agency.

35 4. Moneys deposited into the fund shall be used to pay
36 for the incremental cost of biodiesel fuel with a minimum
37 biodiesel concentration of B-20 for use in state vehicles
38 and for administration of the fund. Not later than January
39 thirty-first of each year, the department shall submit an
40 annual report to the general assembly on the expenditures
41 from the fund during the preceding fiscal year.

42 5. Notwithstanding the provisions of section 33.080,
43 no portion of the fund shall be transferred to the general
44 revenue fund, and any appropriation made to the fund shall
45 not lapse. The state treasurer shall invest moneys in the
46 fund in the same manner as other funds are invested.
47 Interest and moneys earned on such investments shall be
48 credited to the fund.

49 6. The department shall promulgate such rules as are
50 necessary to implement this section. No rule or portion of
51 a rule promulgated pursuant to this section shall become

52 effective unless it has been promulgated pursuant to chapter
53 536.

54 [7. The department shall conduct a study of the use of
55 alternative fuels in motor vehicles in the state and shall
56 report its findings and recommendations to the general
57 assembly no later than January 1, 2002. Such study shall
58 include:

59 (1) An analysis of the current use of alternative
60 fuels in public and private vehicle fleets in the state;

61 (2) An assessment of methods that the state may use to
62 increase use of alternative fuels in vehicle fleets,
63 including the sale of credits generated pursuant to the
64 federal Energy Policy Act, 42 U.S.C. 13201, et seq., to pay
65 for the difference in cost between alternative fuels and
66 conventional fuels;

67 (3) An assessment of the benefits or harm that
68 increased use of alternative fuels may make to the state's
69 economy and environment;

70 (4) Any other information that the department deems
71 relevant.]

454.433. 1. When a tribunal of another state as
2 defined in section [454.850] **454.1503** has ordered support
3 payments to a person who has made an assignment of child
4 support rights to the family support division or who is
5 receiving child support services pursuant to section
6 454.425, the family support division may notify the court of
7 this state in the county in which the obligor, obligee or
8 the child resides or works. Until October 1, 1999, upon
9 such notice the circuit clerk shall accept all support
10 payments and remit such payments to the person or entity
11 entitled to receive the payments. Effective October 1,
12 1999, the division shall order the payment center to accept

13 all support payments and remit such payments to the person
14 or entity entitled to receive the payments.

15 2. Notwithstanding any provision of law to the
16 contrary, the notification to the court by the division
17 shall authorize the court to make the clerk trustee. The
18 clerk shall keep an accurate record of such payments and
19 shall report all collections to the division in the manner
20 specified by the division. Effective October 1, 1999, the
21 duties of the clerk as trustee pursuant to this section
22 shall terminate and all payments shall be made to the
23 payment center pursuant to section 454.530.

454.470. 1. The director may issue a notice and
2 finding of financial responsibility to a parent who owes a
3 state debt or who is responsible for the support of a child
4 on whose behalf the custodian of that child is receiving
5 support enforcement services from the division pursuant to
6 section 454.425 if a court order has not been previously
7 entered against that parent, a court order has been
8 previously entered but has been terminated by operation of
9 law or if a support order from another state has been
10 entered but is not entitled to recognition under sections
11 [454.850 to 454.997] **454.1500 to 454.1728**. Service of the
12 notice and finding shall be made on the parent or other
13 party in the manner prescribed for service of process in a
14 civil action by an authorized process server appointed by
15 the director, or by certified mail, return receipt
16 requested. The director may appoint any uninterested party,
17 including but not limited to employees of the division, to
18 serve such process. For purposes of this subsection, a
19 parent who refuses receipt of service by certified mail is
20 deemed to have been served. Service upon an obligee who is
21 receiving support enforcement services under section 454.425

22 may be made by regular mail. When appropriate to the
23 circumstances of the individual action, the notice shall
24 state:

25 (1) The name of the person or agency with custody of
26 the dependent child and the name of the dependent child for
27 whom support is to be paid;

28 (2) The monthly future support for which the parent
29 shall be responsible;

30 (3) The state debt, if any, accrued and accruing, and
31 the monthly payment to be made on the state debt which has
32 accrued;

33 (4) A statement of the costs of collection, including
34 attorney's fees, which may be assessed against the parent;

35 (5) That the parent shall be responsible for providing
36 medical insurance for the dependent child;

37 (6) That if a parent desires to discuss the amount of
38 support that should be paid, the parent or person having
39 custody of the child may, within twenty days after being
40 served, contact the division office which sent the notice
41 and request a negotiation conference. The other parent or
42 person having custody of the child shall be notified of the
43 negotiated conference and may participate in the
44 conference. If no agreement is reached on the monthly
45 amount to be paid, the director may issue a new notice and
46 finding of financial responsibility, which may be sent to
47 the parent required to pay support by regular mail addressed
48 to the parent's last known address or, if applicable, the
49 parent's attorney's last known address. A copy of the new
50 notice and finding shall be sent by regular mail to the
51 other parent or person having custody of the child;

52 (7) That if a parent or person having custody of the
53 child objects to all or any part of the notice and finding

54 of financial responsibility and no negotiation conference is
55 requested, within twenty days of the date of service the
56 parent or person having custody of the child shall send to
57 the division office which issued the notice a written
58 response which sets forth any objections and requests a
59 hearing; and, that if the director issues a new notice and
60 finding of financial responsibility, the parent or person
61 having custody of the child shall have twenty days from the
62 date of issuance of the new notice to send a hearing request;

63 (8) That if such a timely response is received by the
64 appropriate division office, and if such response raises
65 factual questions requiring the submission of evidence, the
66 parent or person having custody of the child shall have the
67 right to a hearing before an impartial hearing officer who
68 is an attorney licensed to practice law in Missouri and,
69 that if no timely written response is received, the director
70 may enter an order in accordance with the notice and finding
71 of financial responsibility;

72 (9) That the parent has the right to be represented at
73 the hearing by an attorney of the parent's own choosing;

74 (10) That the parent or person having custody of the
75 child has the right to obtain evidence and examine witnesses
76 as provided for in chapter 536, together with an explanation
77 of the procedure the parent or person having custody of the
78 child shall follow in order to exercise such rights;

79 (11) That as soon as the order is entered, the
80 property of the parent required to pay support shall be
81 subject to collection actions, including, but not limited
82 to, wage withholding, garnishment, liens, and execution
83 thereon;

84 (12) A reference to sections 454.460 to 454.510;

85 (13) That the parent is responsible for notifying the
86 division of any change of address or employment;

87 (14) That if the parent has any questions, the parent
88 should telephone or visit the appropriate division office or
89 consult an attorney; and

90 (15) Such other information as the director finds
91 appropriate.

92 2. The statement of periodic future support required
93 by subdivision (2) of subsection 1 of this section is to be
94 computed under the guidelines established in subsection 8 of
95 section 452.340.

96 3. Any time limits for notices or requests may be
97 extended by the director, and such extension shall have no
98 effect on the jurisdiction of the court, administrative
99 body, or other entity having jurisdiction over the
100 proceedings.

101 4. If a timely written response setting forth
102 objections and requesting a hearing is received by the
103 appropriate division office, and if such response raises a
104 factual question requiring the submission of evidence, a
105 hearing shall be held in the manner provided by section
106 454.475. If no timely written response and request for
107 hearing is received by the appropriate division office, the
108 director may enter an order in accordance with the notice,
109 and shall specify:

110 (1) The amount of periodic support to be paid, with
111 directions on the manner of payment;

112 (2) The amount of state debt, if any, accrued in favor
113 of the department;

114 (3) The monthly payment to be made on state debt, if
115 any;

116 (4) The amount of costs of collection, including
117 attorney's fees, assessed against the parent;

118 (5) The name of the person or agency with custody of
119 the dependent child and the name and birth date of the
120 dependent child for whom support is to be paid;

121 (6) That the property of the parent is subject to
122 collection actions, including, but not limited to, wage
123 withholding, garnishment, liens, and execution thereon; and

124 (7) If appropriate, that the parent shall provide
125 medical insurance for the dependent child, or shall pay the
126 reasonable and necessary medical expenses of the dependent
127 child.

128 5. The parent or person having custody of the child
129 shall be sent a copy of the order by regular mail addressed
130 to the parent's last known address or, if applicable, the
131 parent's attorney's last known address. The order is final,
132 and action by the director to enforce and collect upon the
133 order, including arrearages, may be taken from the date of
134 issuance of the order.

135 6. Copies of the orders issued pursuant to this
136 section shall be mailed within fourteen days of the issuance
137 of the order.

138 7. Any parent or person having custody of the child
139 who is aggrieved as a result of any allegation or issue of
140 fact contained in the notice and finding of financial
141 responsibility shall be afforded an opportunity for a
142 hearing, upon the request in writing filed with the director
143 not more than twenty days after service of the notice and
144 finding is made upon such parent or person having custody of
145 the child, and if in requesting such hearing, the aggrieved
146 parent or person having custody of the child raises a
147 factual issue requiring the submission of evidence.

148 8. At any time after the issuance of an order under
149 this section, the director may issue an order vacating that
150 order if it is found that the order was issued without
151 subject matter or personal jurisdiction or if the order was
152 issued without affording the obligor due process of law.

 454.490. 1. A true copy of any order entered by the
2 director pursuant to sections 454.460 to [454.997] **454.1728**,
3 along with a true copy of the return of service, may be
4 filed with the clerk of the circuit court in the county in
5 which the judgment of dissolution or paternity has been
6 entered, or if no such judgment was entered, in the county
7 where either the parent or the dependent child resides or
8 where the support order was filed. Upon filing, the clerk
9 shall enter the order in the judgment docket. Upon
10 docketing, the order shall have all the force, effect, and
11 attributes of a docketed order or decree of the circuit
12 court, including, but not limited to, lien effect and
13 enforceability by supplementary proceedings, contempt of
14 court, execution and garnishment. Any administrative order
15 or decision of the family support division filed in the
16 office of the circuit clerk of the court shall not be
17 required to be signed by an attorney, as provided by supreme
18 court rule of civil procedures 55.03(a), or required to have
19 any further pleading other than the director's order.

20 2. In addition to any other provision to enforce an
21 order docketed pursuant to this section or any other support
22 order of the court, the court may, upon petition by the
23 division, require that an obligor who owes past due support
24 to pay support in accordance with a plan approved by the
25 court, or if the obligor is subject to such plan and is not
26 incapacitated, the court may require the obligor to
27 participate in work activities.

28 3. In addition to any other provision to enforce an
29 order docketed pursuant to this section or any other support
30 order of the court, division or other IV-D agency, the
31 director may order that an obligor who owes past due support
32 to pay support in accordance with a plan approved by the
33 director, or if the obligor is subject to such plan and is
34 not incapacitated, the director may order the obligor to
35 participate in work activities. The order of the director
36 shall be filed with a court pursuant to subsection 1 of this
37 section and shall be enforceable as an order of the court.

38 4. As used in this section, "work activities" include:

- 39 (1) Unsubsidized employment;
- 40 (2) Subsidized private sector employment;
- 41 (3) Subsidized public sector employment;
- 42 (4) Work experience (including work associated with
43 the refurbishing of publicly assisted housing) if sufficient
44 private sector employment is not available;
- 45 (5) On-the-job training;
- 46 (6) Job search and readiness assistance;
- 47 (7) Community services programs;
- 48 (8) Vocational educational training, not to exceed
49 twelve months for any individual;
- 50 (9) Job skills training directly related to employment;
- 51 (10) Education directly related to employment for an
52 individual who has not received a high school diploma or its
53 equivalent;
- 54 (11) Satisfactory attendance at a secondary school or
55 course of study leading to a certificate of general
56 equivalence for an individual who has not completed
57 secondary school or received such a certificate; or

58 (12) The provision of child care services to an
59 individual who is participating in a community service
60 program.

 488.426. 1. The judges of the circuit court, en banc,
2 in any circuit in this state may require any party filing a
3 civil case in the circuit court, at the time of filing the
4 suit, to deposit with the clerk of the court a surcharge in
5 addition to all other deposits required by law or court
6 rule. Sections 488.426 to 488.432 shall not apply to
7 proceedings when costs are waived or are to be paid by the
8 county or state or any city.

 2. The surcharge in effect on August 28, 2001, shall
10 remain in effect until changed by the circuit court. The
11 circuit court in any circuit, except the circuit court in
12 Jackson County or the circuit court in any circuit that
13 reimburses the state for the salaries of family court
14 commissioners under and pursuant to section 487.020, may
15 change the fee to any amount not to exceed fifteen dollars.
16 The circuit court in Jackson County or the circuit court in
17 any circuit that reimburses the state for the salaries of
18 family court commissioners under and pursuant to section
19 487.020 may change the fee to any amount not to exceed
20 twenty dollars. A change in the fee shall become effective
21 and remain in effect until further changed.

 3. Sections 488.426 to 488.432 shall not apply to
23 proceedings when costs are waived or are paid by the county
24 or state or any city.

 [4. In addition to any fee authorized by subsection 1
26 of this section, any county of the first classification with
27 more than one hundred one thousand but fewer than one
28 hundred fifteen thousand inhabitants may impose an
29 additional fee of ten dollars excluding cases concerning

30 adoption and those in small claims court. The provisions of
31 this subsection shall expire on December 31, 2019.]

620.570. 1. [The Missouri training and employment
2 council, as established in section 620.523, shall review and
3 recommend criteria for evaluating project funding
4 assistance, program criteria, and other requirements and
5 priorities to be used by the division in the evaluation and
6 monitoring of Missouri youth service and conservation corps
7 projects.

8 [2.] The division shall work with the department of
9 higher education and workforce development, the department
10 of elementary and secondary education, all colleges,
11 universities and lending institutions throughout the state
12 to develop a system of academic credit, tuition grants and
13 deferred loan repayment incentives for young adults who
14 enroll and complete participation in corps programs. The
15 division shall adopt rules under chapter 536 designed to
16 implement any such incentive programs.

17 [3.] 2. The division of workforce development of the
18 department of economic development shall establish and
19 promote the recruitment of "Show-Me Employers" which shall
20 consist of Missouri-based corporations and businesses
21 agreeing to interview, for entry-level jobs, participants
22 successfully completing a youth corps program.

23 [4.] 3. The division of workforce development of the
24 department of economic development shall recognize and
25 promote within the labor exchange system the youth service
26 corps and the potential benefits of hiring participants who
27 have successfully completed any of the corps' programs.

620.1020. There is hereby created within the
2 department of economic development a "Business Extension
3 Service Team" program. The purpose of the teams shall be to

4 provide technical and management assistance to Missouri
5 businesses, to improve their competitiveness and increase
6 their market share of the economy, to assist businesses with
7 the introduction of improved production processes, and to
8 assist the businesses with their job training needs. [Each
9 team shall inform the Missouri training and employment
10 council of specific job training needs which it identifies
11 for an individual business or general job training needs
12 which it recommends for the state. A team may recommend
13 that, by means of contract, feasibility studies or
14 productivity assessments be performed for businesses.]
15 Businesses to be assisted may include those faced with
16 employee layoffs, plant closings or financial instability.
17 The expenses of a team shall be financed by state and
18 federal appropriations, local governments, economic
19 development organizations, private contributions and fees
20 paid by assisted businesses.

620.2020. 1. The department shall respond to a
2 written request, by or on behalf of a qualified company or
3 qualified military project, for a proposed benefit award
4 under the provisions of this program within five business
5 days of receipt of such request. The department shall
6 respond to a written request, by or on behalf of a qualified
7 manufacturing company, for a proposed benefit award under
8 the provisions of this program within fifteen business days
9 of receipt of such request. Such response shall contain
10 either a proposal of benefits for the qualified company or
11 qualified military project, or a written response refusing
12 to provide such a proposal and stating the reasons for such
13 refusal. A qualified company or qualified military project
14 that intends to seek benefits under the program shall submit
15 to the department a notice of intent. The department shall

16 respond within thirty days to a notice of intent with an
17 approval or a rejection, provided that the department may
18 withhold approval or provide a contingent approval until it
19 is satisfied that proper documentation of eligibility has
20 been provided. The department shall certify or reject the
21 qualifying company's plan outlined in their notice of intent
22 as satisfying good faith efforts made to employ, at a
23 minimum, commensurate with the percentage of minority
24 populations in the state of Missouri, as reported in the
25 previous decennial census, the following: racial
26 minorities, contractors who are racial minorities, and
27 contractors that, in turn, employ at a minimum racial
28 minorities commensurate with the percentage of minority
29 populations in the state of Missouri, as reported in the
30 previous decennial census. Failure to respond on behalf of
31 the department shall result in the notice of intent being
32 deemed approved. A qualified company receiving approval for
33 program benefits may receive additional benefits for
34 subsequent new jobs at the same facility after the full
35 initial project period if the applicable minimum job
36 requirements are met. There shall be no limit on the number
37 of project periods a qualified company may participate in
38 the program, and a qualified company may elect to file a
39 notice of intent to begin a new project period concurrent
40 with an existing project period if the applicable minimum
41 job requirements are achieved, the qualified company
42 provides the department with the required annual reporting,
43 and the qualified company is in compliance with this program
44 and any other state programs in which the qualified company
45 is currently or has previously participated. However, the
46 qualified company shall not receive any further program
47 benefits under the original approval for any new jobs

48 created after the date of the new notice of intent, and any
49 jobs created before the new notice of intent shall not be
50 included as new jobs for purposes of the benefit calculation
51 for the new approval. When a qualified company has filed
52 and received approval of a notice of intent and subsequently
53 files another notice of intent, the department shall apply
54 the definition of project facility under subdivision (24) of
55 section 620.2005 to the new notice of intent as well as all
56 previously approved notices of intent and shall determine
57 the application of the definitions of new job, new payroll,
58 project facility base employment, and project facility base
59 payroll accordingly.

60 2. Notwithstanding any provision of law to the
61 contrary, the benefits available to the qualified company
62 under any other state programs for which the company is
63 eligible and which utilize withholding tax from the new or
64 retained jobs of the company shall first be credited to the
65 other state program before the withholding retention level
66 applicable under this program will begin to accrue. If any
67 qualified company also participates in a job training
68 program utilizing withholding tax, the company shall retain
69 no withholding tax under this program, but the department
70 shall issue a refundable tax credit for the full amount of
71 benefit allowed under this program. The calendar year
72 annual maximum amount of tax credits which may be issued to
73 a qualifying company that also participates in a job
74 training program shall be increased by an amount equivalent
75 to the withholding tax retained by that company under a jobs
76 training program.

77 3. A qualified company or qualified military project
78 receiving benefits under this program shall provide an
79 annual report of the number of jobs, along with minority

80 jobs created or retained, and such other information as may
81 be required by the department to document the basis for
82 program benefits available no later than ninety days prior
83 to the end of the qualified company's or industrial
84 development authority's tax year immediately following the
85 tax year for which the benefits provided under the program
86 are attributed. In such annual report, if the average wage
87 is below the applicable percentage of the county average
88 wage, the qualified company or qualified military project
89 has not maintained the employee insurance as required, if
90 the department after a review determines the qualifying
91 company fails to satisfy other aspects of their notice of
92 intent, including failure to make good faith efforts to
93 employ, at a minimum, commensurate with the percentage of
94 minority populations in the state of Missouri, as reported
95 in the previous decennial census, the following: racial
96 minorities, contractors who are racial minorities, and
97 contractors that, in turn, employ at a minimum racial
98 minorities commensurate with the percentage of minority
99 populations in the state of Missouri, as reported in the
100 previous decennial census, or if the number of jobs is below
101 the number required, the qualified company or qualified
102 military project shall not receive tax credits or retain the
103 withholding tax for the balance of the project period. If a
104 statewide state of emergency exists for more than sixteen
105 months, a qualified company or industrial development
106 authority shall be entitled to a one-time suspension of
107 program deadlines equal to the number of months such
108 statewide state of emergency existed with any partial month
109 rounded to the next whole. During such suspension, the
110 qualified company or industrial development authority shall
111 not be entitled to retain any withholding tax as calculated

112 under subdivision (38) of section 620.2005 nor shall it earn
113 any awarded tax credit or receive any tax credit under the
114 program for the suspension period. The suspension period
115 shall run consecutively and be available to a qualified
116 company or industrial development authority that, during the
117 statewide state of emergency, submitted notice of intent
118 that was approved or that was in year one or a subsequent
119 year of benefits under a program agreement with the
120 department. The suspension period that runs consecutively
121 and may be available to a qualified company or industrial
122 development authority as provided in this subsection may
123 apply retroactively. Any qualified company or industrial
124 development authority requesting a suspension pursuant to
125 this subsection shall submit notice to the department on its
126 provided form identifying the requested start and end dates
127 of the suspension, not to exceed the maximum number of
128 months available under this subsection. Such notice shall
129 be submitted to the department not later than the end of the
130 twelfth month following the termination of the state of
131 emergency. No suspension period shall start later than the
132 date on which the state of emergency was terminated. The
133 department and the qualified company or the industrial
134 development authority shall enter into a program agreement
135 or shall amend an existing program agreement, as applicable,
136 stating the deadlines following the suspension period and
137 updating the applicable wage requirements. Failure to
138 timely file the annual report required under this section
139 may result in the forfeiture of tax credits attributable to
140 the year for which the reporting was required and a
141 recapture of withholding taxes retained by the qualified
142 company or qualified military project during such year.

143 4. The department may withhold the approval of any
144 benefits under this program until it is satisfied that
145 proper documentation has been provided, and shall reduce the
146 benefits to reflect any reduction in full-time employees or
147 payroll. Upon approval by the department, the qualified
148 company may begin the retention of the withholding taxes
149 when it reaches the required number of jobs and the average
150 wage meets or exceeds the applicable percentage of county
151 average wage. Tax credits, if any, may be issued upon
152 satisfaction by the department that the qualified company
153 has exceeded the applicable percentage of county average
154 wage and the required number of jobs; provided that, tax
155 credits awarded under subsection 7 of section 620.2010 may
156 be issued following the qualified company's acceptance of
157 the department's proposal and pursuant to the requirements
158 set forth in the written agreement between the department
159 and the qualified company under subsection 4 of section
160 620.2010.

161 5. Any qualified company or qualified military project
162 approved for benefits under this program shall provide to
163 the department, upon request, any and all information and
164 records reasonably required to monitor compliance with
165 program requirements. This program shall be considered a
166 business recruitment tax credit under subdivision (3) of
167 subsection 2 of section 135.800, and any qualified company
168 or qualified military project approved for benefits under
169 this program shall be subject to the provisions of sections
170 135.800 to 135.830.

171 6. Any taxpayer who is awarded benefits under this
172 program who knowingly hires individuals who are not allowed
173 to work legally in the United States shall immediately
174 forfeit such benefits and shall repay the state an amount

175 equal to any state tax credits already redeemed and any
176 withholding taxes already retained.

177 7. (1) The maximum amount of tax credits that may be
178 authorized under this program for any fiscal year shall be
179 limited as follows, less the amount of any tax credits
180 previously obligated for that fiscal year under any of the
181 tax credit programs referenced in subsection 14 of this
182 section:

183 (a) For the fiscal year beginning on July 1, 2013, but
184 ending on or before June 30, 2014, no more than one hundred
185 six million dollars in tax credits may be authorized;

186 (b) For the fiscal year beginning on July 1, 2014, but
187 ending on or before June 30, 2015, no more than one hundred
188 eleven million dollars in tax credits may be authorized;

189 (c) For fiscal years beginning on or after July 1,
190 2015, but ending on or before June 30, 2020, no more than
191 one hundred sixteen million dollars in tax credits may be
192 authorized for each fiscal year; and

193 (d) For all fiscal years beginning on or after July 1,
194 2020, no more than one hundred six million dollars in tax
195 credits may be authorized for each fiscal year. The
196 provisions of this paragraph shall not apply to tax credits
197 issued to qualified companies under a notice of intent filed
198 prior to July 1, 2020.

199 (2) For all fiscal years beginning on or after July 1,
200 2020, in addition to the amount of tax credits that may be
201 authorized under paragraph (d) of subdivision (1) of this
202 subsection, an additional ten million dollars in tax credits
203 may be authorized for each fiscal year for the purpose of
204 the completion of infrastructure projects directly connected
205 with the creation or retention of jobs under the provisions
206 of sections 620.2000 to 620.2020 and an additional ten

207 million dollars in tax credits may be authorized for each
208 fiscal year for a qualified manufacturing company based on a
209 manufacturing capital investment as set forth in section
210 620.2010.

211 8. For all fiscal years beginning on or after July 1,
212 2020, the maximum total amount of withholding tax that may
213 be authorized for retention for the creation of new jobs
214 under the provisions of sections 620.2000 to 620.2020 by
215 qualified companies with a project facility base employment
216 of at least fifty shall not exceed seventy-five million
217 dollars for each fiscal year. The provisions of this
218 subsection shall not apply to withholding tax authorized for
219 retention for the creation of new jobs by qualified
220 companies with a project facility base employment of less
221 than fifty.

222 9. For tax credits for the creation of new jobs under
223 section 620.2010, the department shall allocate the annual
224 tax credits based on the date of the approval, reserving
225 such tax credits based on the department's best estimate of
226 new jobs and new payroll of the project, and any other
227 applicable factors in determining the amount of benefits
228 available to the qualified company or qualified military
229 project under this program; provided that, the department
230 may reserve up to twenty-one and one-half percent of the
231 maximum annual amount of tax credits that may be authorized
232 under subsection 7 of this section for award under
233 subsection 7 of section 620.2010. However, the annual
234 issuance of tax credits shall be subject to annual
235 verification of actual payroll by the department or, for
236 qualified military projects, annual verification of average
237 salary for the jobs directly created by the qualified
238 military project. Any authorization of tax credits shall

239 expire if, within two years from the date of commencement of
240 operations, or approval if applicable, the qualified company
241 has failed to meet the applicable minimum job requirements.
242 The qualified company may retain authorized amounts from the
243 withholding tax under the project once the applicable
244 minimum job requirements have been met for the duration of
245 the project period. No benefits shall be provided under
246 this program until the qualified company or qualified
247 military project meets the applicable minimum new job
248 requirements or, for benefits awarded under subsection 7 of
249 section 620.2010, until the qualified company has satisfied
250 the requirements set forth in the written agreement between
251 the department and the qualified company under subsection 4
252 of section 620.2010. In the event the qualified company or
253 qualified military project does not meet the applicable
254 minimum new job requirements, the qualified company or
255 qualified military project may submit a new notice of intent
256 or the department may provide a new approval for a new
257 project of the qualified company or qualified military
258 project at the project facility or other facilities.

259 10. Tax credits provided under this program may be
260 claimed against taxes otherwise imposed by chapters 143 and
261 148, and may not be carried forward, but shall be claimed
262 within one year of the close of the taxable year for which
263 they were issued. Tax credits provided under this program
264 may be transferred, sold, or assigned by filing a notarized
265 endorsement thereof with the department that names the
266 transferee, the amount of tax credit transferred, and the
267 value received for the credit, as well as any other
268 information reasonably requested by the department. For a
269 qualified company with flow-through tax treatment to its
270 members, partners, or shareholders, the tax credit shall be

271 allowed to members, partners, or shareholders in proportion
272 to their share of ownership on the last day of the qualified
273 company's tax period.

274 11. Prior to the issuance of tax credits or the
275 qualified company beginning to retain withholding taxes, the
276 department shall verify through the department of revenue
277 and any other applicable state department that the tax
278 credit applicant does not owe any delinquent income, sales,
279 or use tax or interest or penalties on such taxes, or any
280 delinquent fees or assessments levied by any state
281 department and through the department of commerce and
282 insurance that the applicant does not owe any delinquent
283 insurance taxes or other fees. Such delinquency shall not
284 affect the approval, except that any tax credits issued
285 shall be first applied to the delinquency and any amount
286 issued shall be reduced by the applicant's tax delinquency.
287 If the department of revenue, the department of commerce and
288 insurance, or any other state department concludes that a
289 taxpayer is delinquent after June fifteenth but before July
290 first of any year and the application of tax credits to such
291 delinquency causes a tax deficiency on behalf of the
292 taxpayer to arise, then the taxpayer shall be granted thirty
293 days to satisfy the deficiency in which interest, penalties,
294 and additions to tax shall be tolled. After applying all
295 available credits toward a tax delinquency, the
296 administering agency shall notify the appropriate department
297 and that department shall update the amount of outstanding
298 delinquent tax owed by the applicant. If any credits remain
299 after satisfying all insurance, income, sales, and use tax
300 delinquencies, the remaining credits shall be issued to the
301 applicant, subject to the restrictions of other provisions
302 of law.

303 12. The director of revenue shall issue a refund to
304 the qualified company to the extent that the amount of tax
305 credits allowed under this program exceeds the amount of the
306 qualified company's tax liability under chapter 143 or 148.

307 13. An employee of a qualified company shall receive
308 full credit for the amount of tax withheld as provided in
309 section 143.211.

310 14. Notwithstanding any provision of law to the
311 contrary, beginning August 28, 2013, no new benefits shall
312 be authorized for any project that had not received from the
313 department a proposal or approval for such benefits prior to
314 August 28, 2013, under the development tax credit program
315 created under sections 32.100 to 32.125, the rebuilding
316 communities tax credit program created under section
317 135.535, the enhanced enterprise zone tax credit program
318 created under sections 135.950 to 135.973, and the Missouri
319 quality jobs program created under sections 620.1875 to
320 620.1890. The provisions of this subsection shall not be
321 construed to limit or impair the ability of any
322 administering agency to authorize or issue benefits for any
323 project that had received an approval or a proposal from the
324 department under any of the programs referenced in this
325 subsection prior to August 28, 2013, or the ability of any
326 taxpayer to redeem any such tax credits or to retain any
327 withholding tax under an approval issued prior to that
328 date. The provisions of this subsection shall not be
329 construed to limit or in any way impair the ability of any
330 governing authority to provide any local abatement or
331 designate a new zone under the enhanced enterprise zone
332 program created by sections 135.950 to 135.963.

333 Notwithstanding any provision of law to the contrary, no

334 qualified company that is awarded benefits under this
335 program shall[:

336 (1)] simultaneously receive benefits under the
337 programs referenced in this subsection at the same capital
338 investment[; or

339 (2) Receive benefits under the provisions of section
340 620.1910 for the same jobs].

341 15. If any provision of sections 620.2000 to 620.2020
342 or application thereof to any person or circumstance is held
343 invalid, the invalidity shall not affect other provisions or
344 application of these sections which can be given effect
345 without the invalid provisions or application, and to this
346 end, the provisions of sections 620.2000 to 620.2020 are
347 hereby declared severable.

348 16. By no later than January 1, 2014, and the first
349 day of each calendar quarter thereafter, the department
350 shall present a quarterly report to the general assembly
351 detailing the benefits authorized under this program during
352 the immediately preceding calendar quarter to the extent
353 such information may be disclosed under state and federal
354 law. The report shall include, at a minimum:

355 (1) A list of all approved and disapproved applicants
356 for each tax credit;

357 (2) A list of the aggregate amount of new or retained
358 jobs that are directly attributable to the tax credits
359 authorized;

360 (3) A statement of the aggregate amount of new capital
361 investment directly attributable to the tax credits
362 authorized;

363 (4) Documentation of the estimated net state fiscal
364 benefit for each authorized project and, to the extent

365 available, the actual benefit realized upon completion of
366 such project or activity; and

367 (5) The department's response time for each request
368 for a proposed benefit award under this program.

369 17. The department may adopt such rules, statements of
370 policy, procedures, forms, and guidelines as may be
371 necessary to carry out the provisions of sections 620.2000
372 to 620.2020. Any rule or portion of a rule, as that term is
373 defined in section 536.010, that is created under the
374 authority delegated in this section shall become effective
375 only if it complies with and is subject to all of the
376 provisions of chapter 536 and, if applicable, section
377 536.028. This section and chapter 536 are nonseverable and
378 if any of the powers vested with the general assembly
379 pursuant to chapter 536 to review, to delay the effective
380 date, or to disapprove and annul a rule are subsequently
381 held unconstitutional, then the grant of rulemaking
382 authority and any rule proposed or adopted after August 28,
383 2013, shall be invalid and void.

384 18. Under section 23.253 of the Missouri sunset act:

385 (1) The provisions of the program authorized under
386 sections 620.2000 to 620.2020 shall be reauthorized as of
387 August 28, 2018, and shall expire on August 28, 2030; and

388 (2) If such program is reauthorized, the program
389 authorized under this section shall automatically sunset
390 twelve years after the effective date of the reauthorization
391 of sections 620.2000 to 620.2020; and

392 (3) Sections 620.2000 to 620.2020 shall terminate on
393 September first of the calendar year immediately following
394 the calendar year in which the program authorized under
395 sections 620.2000 to 620.2020 is sunset.

630.717. 1. Any residential facility or day program
2 which provides services exclusively to those persons
3 affected by alcohol or drug abuse shall be exempt from
4 licensure rules promulgated by the department.

5 2. Any residential facility or day program which
6 offers services, treatment or rehabilitation to persons
7 affected by alcohol or drug abuse shall submit to the
8 department a description of the services, treatment or
9 rehabilitation which it offers, a statement of whether each
10 facility or program is required to meet any fire-safety
11 standards of a municipality, political subdivision of the
12 state, and documentation of compliance with such standards,
13 if they apply.

14 3. [The department shall survey all such facilities
15 and programs and shall prepare a report for submission to
16 the general assembly of actions necessary to bring such
17 facilities and programs in compliance with fire-safety
18 standards developed by the department for certification.
19 The report shall be filed with the speaker of the house and
20 the president pro tem of the senate by January 1, 1983.

21 4.] Failure of a facility or program to submit
22 information requested by the department and required by this
23 section shall disqualify such facility or program from
24 receiving department certification or funding until such
25 information is submitted.

[21.851. 1. There is hereby established a
2 joint committee of the general assembly, which
3 shall be known as the "Joint Committee on
4 Disaster Preparedness and Awareness" and shall
5 be composed of the following members:

6 (1) Three members of the senate to be
7 appointed by the president pro tempore of the
8 senate;

9 (2) Two members of the senate to be
10 appointed by the minority floor leader of the
11 senate;

12 (3) Three members of the house of
13 representatives to be appointed by the speaker
14 of the house of representatives;

15 (4) Two members of the house of
16 representatives to be appointed by the minority
17 floor leader of the house of representatives;

18 (5) The director of the department of
19 public safety, or his or her designee;

20 (6) The director of the department of
21 agriculture, or his or her designee; and

22 (7) The adjutant general of the state, or
23 his or her designee.

24 2. A majority of the members of the
25 committee shall constitute a quorum, but the
26 concurrence of a majority of the members shall
27 be required for the determination of any matter
28 within the committee's duties.

29 3. The joint committee shall make a
30 continuous study and investigation into issues
31 relating to disaster preparedness and awareness
32 including, but not limited to, the following
33 areas:

34 (1) Natural and manmade disasters;

35 (2) State and local preparedness for
36 floods;

37 (3) State and local preparedness for
38 tornados, blizzards, and other severe storms;

39 (4) Food and energy resiliency;

40 (5) Cybersecurity;

41 (6) The budget reserve fund established
42 under Article IV, Section 27(a) of the Missouri
43 Constitution;

44 (7) The protection of vulnerable
45 populations in intermediate care facilities and
46 skilled nursing facilities as those terms are
47 defined in section 198.006; and

48 (8) Premises that have been previously
49 contaminated with radioactive material.

50 4. The joint committee shall compile a
51 full report of its activities for submission to
52 the general assembly. The report shall be

53 submitted not later than January first of even-
54 numbered years and may include any
55 recommendations which the committee may have for
56 legislative action. The report may also include
57 an analysis and statement of the manner in which
58 statutory provisions relating to disaster
59 preparedness and awareness are being executed.

60 5. The joint committee may employ such
61 personnel as it deems necessary to carry out the
62 duties imposed by this section, within the
63 limits of any appropriation for such purpose.

64 6. The members of the committee shall
65 serve without compensation, but any actual and
66 necessary expenses incurred in the performance
67 of the committee's official duties by the joint
68 committee, its members, and any staff assigned
69 to the committee shall be paid from the joint
70 contingent fund.

71 7. This section shall expire on December
72 31, 2022.]

[32.088. 1. There is hereby created the
2 "Missouri Task Force on Fair, Nondiscriminatory
3 Local Taxation Concerning Motor Vehicles,
4 Trailers, Boats, and Outboard Motors" to consist
5 of the following members:

6 (1) The following six members of the
7 general assembly:

8 (a) Three members of the house of
9 representatives, with no more than two members
10 from the same political party and each member to
11 be appointed by the speaker of the house of
12 representatives; and

13 (b) Three members of the senate, with no
14 more than two members from the same political
15 party and each member to be appointed by the
16 president pro tempore of the senate;

17 (2) The director of the department of
18 revenue or the director's designee;

19 (3) Two Missouri motor vehicle dealers,
20 with one to be appointed by the speaker of the
21 house of representatives and one to be appointed
22 by the president pro tempore of the senate;

23 (4) Two representatives from Missouri
24 county governments, with one to be appointed by
25 the speaker of the house of representatives and
26 one to be appointed by the president pro tempore
27 of the senate;

28 (5) Two representatives from Missouri city
29 governments, with one to be appointed by the
30 speaker of the house of representatives and one
31 to be appointed by the president pro tempore of
32 the senate; and

33 (6) One Missouri marine dealer, to be
34 appointed by the speaker of the house of
35 representatives.

36 2. The task force shall meet within thirty
37 days after its creation and organize by
38 selecting a chair and a vice chair, one of whom
39 shall be a member of the senate and the other of
40 whom shall be a member of the house of
41 representatives. The chair shall designate a
42 person to keep the records of the task force. A
43 majority of the task force constitutes a quorum
44 and a majority vote of a quorum is required for
45 any action.

46 3. The task force shall meet at least
47 quarterly. However, the task force shall meet
48 at least monthly during each term of the general
49 assembly. Meetings may be held by telephone or
50 video conference at the discretion of the chair.

51 4. Members shall serve on the task force
52 without compensation but may, subject to
53 appropriation, be reimbursed for actual and
54 necessary expenses incurred in the performance
55 of their official duties as members of the task
56 force.

57 5. The goals of the task force shall
58 address:

59 (1) The disparity in taxation that
60 resulted from the Missouri Supreme Court's
61 decision in *Street v. Director of Revenue*, 361
62 S.W.3d 355 (Mo. en banc 2012), concerning the
63 local taxation of motor vehicles, boats,
64 trailers, and outboard motors if purchased from
65 a source other than a licensed Missouri dealer;

66 (2) The need for local jurisdictions to
67 continue to receive revenue to provide vital
68 services restored by S.B. 23, effective July 5,
69 2013; and

70 (3) The need to avoid placing Missouri
71 dealers of motor vehicles, outboard motors,
72 boats, and trailers at a competitive
73 disadvantage to non-Missouri dealers of motor
74 vehicles, outboard motors, boats, and trailers.

75 6. The task force shall:

76 (1) Review evidence regarding the methods
77 to address the goals of the task force;

78 (2) Review the methods used by other
79 states to address the goals of the task force;

80 (3) Review the impact of the disparity of
81 treatment on Missouri dealers; and

82 (4) Develop legislation that will not
83 discriminate against Missouri dealers and will
84 safeguard local revenue to provide vital local
85 services.

86 7. On or before December 31, 2017, the
87 task force shall submit a report on its findings
88 to the governor and general assembly. The
89 report shall include any dissenting opinions in
90 addition to any majority opinions.

91 8. The task force shall expire on January
92 1, 2018, or upon submission of a report under
93 subsection 7 of this section, whichever is
94 earlier.]

2 [67.5125. By December 31, 2018, the
3 department of revenue shall prepare and deliver
4 a report to the general assembly on the amount
5 of revenue collected by local governments for
6 the previous three fiscal years from
7 communications service providers, as such term
8 is defined in section 67.5111; a direct-to-home
9 satellite service, as defined in Public Law 104-
10 104, Title VI, Section 602; and any video
11 service provided through electronic commerce, as
12 defined in Public Law 105-277, Title XI, as
13 amended, Section 1105(3), from video fees,
14 linear-foot fees, antenna fees, sales and use
taxes, gross receipts taxes, business license

15 fees, business license taxes, or any other taxes
16 or fees assessed to such providers.]

[99.1205. 1. This section shall be known
2 and may be cited as the "Distressed Areas Land
3 Assemblage Tax Credit Act".

4 2. As used in this section, the following
5 terms mean:

6 (1) "Acquisition costs", the purchase
7 price for the eligible parcel, costs of
8 environmental assessments, closing costs, real
9 estate brokerage fees, reasonable demolition
10 costs of vacant structures, and reasonable
11 maintenance costs incurred to maintain an
12 acquired eligible parcel for a period of five
13 years after the acquisition of such eligible
14 parcel. Acquisition costs shall not include
15 costs for title insurance and survey, attorney's
16 fees, relocation costs, fines, or bills from a
17 municipality;

18 (2) "Applicant", any person, firm,
19 partnership, trust, limited liability company,
20 or corporation which has:

21 (a) Incurred, within an eligible project
22 area, acquisition costs for the acquisition of
23 land sufficient to satisfy the requirements
24 under subdivision (8) of this subsection; and

25 (b) Been appointed or selected, pursuant
26 to a redevelopment agreement by a municipal
27 authority, as a redeveloper or similar
28 designation, under an economic incentive law, to
29 redevelop an urban renewal area or a
30 redevelopment area that includes all of an
31 eligible project area or whose redevelopment
32 plan or redevelopment area, which encompasses
33 all of an eligible project area, has been
34 approved or adopted under an economic incentive
35 law. In addition to being designated the
36 redeveloper, the applicant shall have been
37 designated to receive economic incentives only
38 after the municipal authority has considered the
39 amount of the tax credits in adopting such
40 economic incentives as provided in subsection 8

41 of this section. The redevelopment agreement
42 shall provide that:

43 a. The funds generated through the use or
44 sale of the tax credits issued under this
45 section shall be used to redevelop the eligible
46 project area;

47 b. No more than seventy-five percent of
48 the urban renewal area identified in the urban
49 renewal plan or the redevelopment area
50 identified in the redevelopment plan may be
51 redeveloped by the applicant; and

52 c. The remainder of the urban renewal area
53 or the redevelopment area shall be redeveloped
54 by co-redevelopers or redevelopers to whom the
55 applicant has assigned its redevelopment rights
56 and obligations under the urban renewal plan or
57 the redevelopment plan;

58 (3) "Certificate", a tax credit
59 certificate issued under this section;

60 (4) "Condemnation proceedings", any action
61 taken by, or on behalf of, an applicant to
62 initiate an action in a court of competent
63 jurisdiction to use the power of eminent domain
64 to acquire a parcel within the eligible project
65 area. Condemnation proceedings shall include
66 any and all actions taken after the submission
67 of a notice of intended acquisition to an owner
68 of a parcel within the eligible project area by
69 a municipal authority or any other person or
70 entity under section 523.250;

71 (5) "Department", the Missouri department
72 of economic development;

73 (6) "Economic incentive laws", any
74 provision of Missouri law pursuant to which
75 economic incentives are provided to redevelopers
76 of a parcel or parcels to redevelop the land,
77 such as tax abatement or payments in lieu of
78 taxes, or redevelopment plans or redevelopment
79 projects approved or adopted which include the
80 use of economic incentives to redevelop the
81 land. Economic incentive laws include, but are
82 not limited to, the land clearance for
83 redevelopment authority law under sections
84 99.300 to 99.660, the real property tax

85 increment allocation redevelopment act under
86 sections 99.800 to 99.865, the Missouri downtown
87 and rural economic stimulus act under sections
88 99.915 to 99.1060, and the downtown
89 revitalization preservation program under
90 sections 99.1080 to 99.1092;

91 (7) "Eligible parcel", a parcel:

92 (a) Which is located within an eligible
93 project area;

94 (b) Which is to be redeveloped;

95 (c) On which the applicant has not
96 commenced construction prior to November 28,
97 2007;

98 (d) Which has been acquired without the
99 commencement of any condemnation proceedings
100 with respect to such parcel brought by or on
101 behalf of the applicant. Any parcel acquired by
102 the applicant from a municipal authority shall
103 not constitute an eligible parcel; and

104 (e) On which all outstanding taxes, fines,
105 and bills levied by municipal governments that
106 were levied by the municipality during the time
107 period that the applicant held title to the
108 eligible parcel have been paid in full;

109 (8) "Eligible project area", an area which
110 shall have satisfied the following requirements:

111 (a) The eligible project area shall
112 consist of at least seventy-five acres and may
113 include parcels within its boundaries that do
114 not constitute an eligible parcel;

115 (b) At least eighty percent of the
116 eligible project area shall be located within a
117 Missouri qualified census tract area, as
118 designated by the United States Department of
119 Housing and Urban Development under 26 U.S.C.
120 Section 42, or within a distressed community as
121 that term is defined in section 135.530;

122 (c) The eligible parcels acquired by the
123 applicant within the eligible project area shall
124 total at least fifty acres, which may consist of
125 contiguous and noncontiguous parcels;

126 (d) The average number of parcels per acre
127 in an eligible project area shall be four or
128 more;

129 (e) Less than five percent of the acreage
130 within the boundaries of the eligible project
131 area shall consist of owner-occupied residences
132 which the applicant has identified for
133 acquisition under the urban renewal plan or the
134 redevelopment plan pursuant to which the
135 applicant was appointed or selected as the
136 redeveloper or by which the person or entity was
137 qualified as an applicant under this section on
138 the date of the approval or adoption of such
139 plan;

140 (9) "Interest costs", interest, loan fees,
141 and closing costs. Interest costs shall not
142 include attorney's fees;

143 (10) "Maintenance costs", costs of
144 boarding up and securing vacant structures,
145 costs of removing trash, and costs of cutting
146 grass and weeds;

147 (11) "Municipal authority", any city,
148 town, village, county, public body corporate and
149 politic, political subdivision, or land trust of
150 this state established and authorized to own
151 land within the state;

152 (12) "Municipality", any city, town,
153 village, or county;

154 (13) "Parcel", a single lot or tract of
155 land, and the improvements thereon, owned by, or
156 recorded as the property of, one or more persons
157 or entities;

158 (14) "Redeveloped", the process of
159 undertaking and carrying out a redevelopment
160 plan or urban renewal plan pursuant to which the
161 conditions which provided the basis for an
162 eligible project area to be included in a
163 redevelopment plan or urban renewal plan are to
164 be reduced or eliminated by redevelopment or
165 rehabilitation; and

166 (15) "Redevelopment agreement", the
167 redevelopment agreement or similar agreement
168 into which the applicant entered with a
169 municipal authority and which is the agreement
170 for the implementation of the urban renewal plan
171 or redevelopment plan pursuant to which the
172 applicant was appointed or selected as the

173 redeveloper or by which the person or entity was
174 qualified as an applicant under this section;
175 and such appointment or selection shall have
176 been approved by an ordinance of the governing
177 body of the municipality, or municipalities, or
178 in the case of any city not within a county, the
179 board of aldermen, in which the eligible project
180 area is located. The redevelopment agreement
181 shall include a time line for redevelopment of
182 the eligible project area. The redevelopment
183 agreement shall state that the named developer
184 shall be subject to the provisions of chapter
185 290.

186 3. Any applicant shall be entitled to a
187 tax credit against the taxes imposed under
188 chapters 143, 147, and 148, except for sections
189 143.191 to 143.265, in an amount equal to fifty
190 percent of the acquisition costs, and one
191 hundred percent of the interest costs incurred
192 for a period of five years after the acquisition
193 of an eligible parcel. No tax credits shall be
194 issued under this section until after January 1,
195 2008.

196 4. If the amount of such tax credit
197 exceeds the total tax liability for the year in
198 which the applicant is entitled to receive a tax
199 credit, the amount that exceeds the state tax
200 liability may be carried forward for credit
201 against the taxes imposed under chapters 143,
202 147, and 148 for the succeeding six years, or
203 until the full credit is used, whichever occurs
204 first. The applicant shall not be entitled to a
205 tax credit for taxes imposed under sections
206 143.191 to 143.265. Applicants entitled to
207 receive such tax credits may transfer, sell, or
208 assign the tax credits. Tax credits granted to
209 a partnership, a limited liability company taxed
210 as a partnership, or multiple owners of property
211 shall be passed through to the partners,
212 members, or owners respectively pro rata or
213 pursuant to an executed agreement among the
214 partners, members, or owners documenting an
215 alternate distribution method.

216 5. A purchaser, transferee, or assignee of
217 the tax credits authorized under this section
218 may use acquired tax credits to offset up to one
219 hundred percent of the tax liabilities otherwise
220 imposed under chapters 143, 147, and 148, except
221 for sections 143.191 to 143.265. A seller,
222 transferor, or assignor shall perfect such
223 transfer by notifying the department in writing
224 within thirty calendar days following the
225 effective date of the transfer and shall provide
226 any information as may be required by the
227 department to administer and carry out the
228 provisions of this section.

229 6. To claim tax credits authorized under
230 this section, an applicant shall submit to the
231 department an application for a certificate. An
232 applicant shall identify the boundaries of the
233 eligible project area in the application. The
234 department shall verify that the applicant has
235 submitted a valid application in the form and
236 format required by the department. The
237 department shall verify that the municipal
238 authority held the requisite hearings and gave
239 the requisite notices for such hearings in
240 accordance with the applicable economic
241 incentive act, and municipal ordinances. On an
242 annual basis, an applicant may file for the tax
243 credit for the acquisition costs, and for the
244 tax credit for the interest costs, subject to
245 the limitations of this section. If an
246 applicant applying for the tax credit meets the
247 criteria required under this section, the
248 department shall issue a certificate in the
249 appropriate amount. If an applicant receives a
250 tax credit for maintenance costs as a part of
251 the applicant's acquisition costs, the
252 department shall post on its internet website
253 the amount and type of maintenance costs and a
254 description of the redevelopment project for
255 which the applicant received a tax credit within
256 thirty days after the department issues the
257 certificate to the applicant.

258 7. The total aggregate amount of tax
259 credits authorized under this section shall not

260 exceed ninety-five million dollars. At no time
261 shall the annual amount of the tax credits
262 issued under this section exceed twenty million
263 dollars. If the tax credits that are to be
264 issued under this section exceed, in any year,
265 the twenty million dollar limitation, the
266 department shall either:

267 (1) Issue tax credits to the applicant in
268 the amount of twenty million dollars, if there
269 is only one applicant entitled to receive tax
270 credits in that year; or

271 (2) Issue the tax credits on a pro rata
272 basis to all applicants entitled to receive tax
273 credits in that year. Any amount of tax
274 credits, which an applicant is, or applicants
275 are, entitled to receive on an annual basis and
276 are not issued due to the twenty million dollar
277 limitation, shall be carried forward for the
278 benefit of the applicant or applicants to
279 subsequent years.

280 No tax credits provided under this section shall
281 be authorized after August 28, 2013. Any tax
282 credits which have been authorized on or before
283 August 28, 2013, but not issued, may be issued,
284 subject to the limitations provided under this
285 subsection, until all such authorized tax
286 credits have been issued.

287 8. Upon issuance of any tax credits
288 pursuant to this section, the department shall
289 report to the municipal authority the
290 applicant's name and address, the parcel numbers
291 of the eligible parcels for which the tax
292 credits were issued, the itemized acquisition
293 costs and interest costs for which tax credits
294 were issued, and the total value of the tax
295 credits issued. The municipal authority and the
296 state shall not consider the amount of the tax
297 credits as an applicant's cost, but shall
298 include the tax credits in any sources and uses
299 and cost benefit analysis reviewed or created
300 for the purpose of awarding other economic
301 incentives. The amount of the tax credits shall
302 not be considered an applicant's cost in the
303 evaluation of the amount of any award of any

304 other economic incentives, but shall be
305 considered in measuring the reasonableness of
306 the rate of return to the applicant with respect
307 to such award of other economic incentives. The
308 municipal authority shall provide the report to
309 any relevant commission, board, or entity
310 responsible for the evaluation and
311 recommendation or approval of other economic
312 incentives to assist in the redevelopment of the
313 eligible project area. Tax credits authorized
314 under this section shall constitute
315 redevelopment tax credits, as such term is
316 defined under section 135.800, and shall be
317 subject to all provisions applicable to
318 redevelopment tax credits provided under
319 sections 135.800 to 135.830.

320 9. The department may promulgate rules to
321 implement the provisions of this section. Any
322 rule or portion of a rule, as that term is
323 defined in section 536.010, that is created
324 under the authority delegated in this section
325 shall become effective only if it complies with
326 and is subject to all of the provisions of
327 chapter 536 and, if applicable, section
328 536.028. This section and chapter 536 are
329 nonseverable and if any of the powers vested
330 with the general assembly pursuant to chapter
331 536 to review, to delay the effective date, or
332 to disapprove and annul a rule are subsequently
333 held unconstitutional, then the grant of
334 rulemaking authority and any rule proposed or
335 adopted after August 28, 2007, shall be invalid
336 and void.]

2 [103.175. The board shall study and report
3 to the general assembly, on or before December
4 15, 2003, on the feasibility of including in
5 this plan individuals who are employees of
6 eligible agencies which have not elected to join
7 the plan or who are retirees of school
districts.]

2 [103.178. 1. Beginning on a date
3 specified by the board of trustees of the
Missouri consolidated health care plan but not

4 later than July 1, 1995, the Missouri
5 consolidated health care plan established under
6 section 103.005 shall implement a pilot project
7 to make available to those residing in the pilot
8 project area who are covered by the plan an
9 alternative system of benefits for the treatment
10 of chemical dependency added to those benefits
11 regularly available to plan participants. The
12 benefits provided under the pilot project shall
13 be similar in scope and comprehensiveness, but
14 not limited to, the benefits provided for the
15 treatment and rehabilitation of persons who are
16 chemically dependent under the department of
17 mental health's comprehensive substance
18 treatment and rehabilitation program, popularly
19 described as the C-STAR program. Such a pilot
20 project shall operate for a period not to exceed
21 four years. To the extent that participation in
22 the pilot project incurs additional cost to a
23 person covered under the plan, participation
24 shall be voluntary. If no additional cost is
25 incurred, the alternative system of benefits may
26 be made in lieu of the regular benefits for the
27 services in the pilot project area.

28 2. The Missouri state employees'
29 retirement system or the Missouri health care
30 plan, as appropriate, shall in cooperation with
31 the department of mental health and the
32 department of commerce and insurance design the
33 pilot project so as to generate data to evaluate
34 the costs and benefits of providing coverage of
35 chemical dependency using an alternative set of
36 benefits as provided in this section. The
37 Missouri consolidated health care plan shall at
38 the completion of the pilot project submit to
39 the governor and the members of the general
40 assembly a report which describes the results of
41 the evaluation of this pilot project. As
42 authorized by appropriations made for that
43 purpose, the Missouri state employees'
44 retirement system or the Missouri consolidated
45 health care plan may contract with persons to
46 conduct an independent evaluation of the pilot
47 project established in this section.]

2 [135.276. As used in sections 135.276 to
3 135.283, the following terms mean:

4 (1) "Continuation of commercial
5 operations" shall be deemed to occur during the
6 first taxable year following the taxable year
7 during which the business entered into an
8 agreement with the department pursuant to
9 section 135.283 in order to receive the tax
10 exemption, tax credits and refundable credits
11 authorized by sections 135.276 to 135.283;

12 (2) "Department", the department of
13 economic development;

14 (3) "Director", the director of the
15 department of economic development;

16 (4) "Enterprise zone", an enterprise zone
17 created under section 135.210 that includes all
18 or part of a home rule city with more than
19 twenty-six thousand but less than twenty-seven
20 thousand inhabitants located in any county with
21 a charter form of government and with more than
22 one million inhabitants;

23 (5) "Facility", any building used as a
24 revenue-producing enterprise located within an
25 enterprise zone, including the land on which the
26 facility is located and all machinery,
27 equipment, and other real and depreciable
28 tangible personal property acquired for use at
29 and located at or within such facility and used
30 in connection with the operation of such
31 facility;

32 (6) "NAICS", the industrial classification
33 as such classifications are defined in the 1997
34 edition of the North American Industrial
35 Classification System Manual as prepared by the
36 Executive Office of the President, Office of
37 Management and Budget;

38 (7) "Retained business facility", a
39 facility in an enterprise zone operated by the
40 taxpayer which satisfies the following
41 requirements as determined by the department and
42 included in an agreement with the department:

43 (a) The taxpayer agrees to a capital
44 investment project at the facility of at least
45 five hundred million dollars to take place over

45 a period of two consecutive taxable years ending
46 no later than the fifth taxable year after
47 continuation of commercial operations;

48 (b) The taxpayer has maintained at least
49 two thousand employees per year at the facility
50 for each of the five taxable years preceding the
51 year of continuation of commercial operations;

52 (c) The taxpayer agrees to maintain at
53 least the level of employment that it had at the
54 facility in the taxable year immediately
55 preceding the year of continuation of commercial
56 operations for ten consecutive taxable years
57 beginning with the year of the continuation of
58 commercial operations. Temporary layoffs
59 necessary to implement the capital investment
60 project will not be considered a violation of
61 this requirement;

62 (d) The taxpayer agrees that the amount of
63 the average wage paid by the taxpayer at the
64 facility will exceed the average wage paid
65 within the county in which the facility is
66 located for ten consecutive taxable years
67 beginning with the year of the continuation of
68 commercial operations;

69 (e) Significant local incentives with
70 respect to the project or retained facility have
71 been committed, which incentives may consist of:

72 a. Cash or in-kind incentives derived from
73 any nonstate source, including incentives
74 provided by the affected political subdivisions,
75 private industry and/or local chambers of
76 commerce or similar such organizations; or

77 b. Relief from local taxes;

78 (f) Receipt of the tax exemption, tax
79 credits, and refunds are major factors in the
80 taxpayer's decision to retain its operations at
81 the facility in Missouri and go forward with the
82 capital investment project and not receiving the
83 exemption, credits, and refunds will result in
84 the taxpayer moving its operations out of
85 Missouri; and

86 (g) There is at least one other state that
87 the taxpayer verifies is being considered as the

88 site to which the facility's operations will be
89 relocated;

90 (8) "Retained business facility employee",
91 a person employed by the taxpayer in the
92 operation of a retained business facility during
93 the taxable year for which the credit allowed by
94 section 135.279 is claimed, except that truck
95 drivers and rail and barge vehicle operators
96 shall not constitute retained business facility
97 employees. A person shall be deemed to be so
98 employed if such person performs duties in
99 connection with the operation of the retained
100 business facility on a regular, full-time
101 basis. The number of retained business facility
102 employees during any taxable year shall be
103 determined by dividing by twelve the sum of the
104 number of individuals employed on the last
105 business day of each month of such taxable
106 year. If the retained business facility is in
107 operation for less than the entire taxable year,
108 the number of retained business facility
109 employees shall be determined by dividing the
110 sum of the number of individuals employed on the
111 last business day of each full calendar month
112 during the portion of such taxable year during
113 which the retained business facility was in
114 operation by the number of full calendar months
115 during such period;

116 (9) "Retained business facility income",
117 the Missouri taxable income, as defined in
118 chapter 143, derived by the taxpayer from the
119 operation of the retained business facility. If
120 a taxpayer has income derived from the operation
121 of a retained business facility as well as from
122 other activities conducted within this state,
123 the Missouri taxable income derived by the
124 taxpayer from the operation of the retained
125 business facility shall be determined by
126 multiplying the taxpayer's Missouri taxable
127 income, computed in accordance with chapter 143,
128 by a fraction, the numerator of which is the
129 property factor, as defined in paragraph (a) of
130 this subdivision, plus the payroll factor, as

131 defined in paragraph (b) of this subdivision,
132 and the denominator of which is two:

133 (a) The "property factor" is a fraction,
134 the numerator of which is the retained business
135 facility investment certified for the tax
136 period, and the denominator of which is the
137 average value of all the taxpayer's real and
138 depreciable tangible personal property owned or
139 rented and used in this state during the tax
140 period. The average value of all such property
141 shall be determined as provided in chapter 32;

142 (b) The "payroll factor" is a fraction,
143 the numerator of which is the total amount paid
144 during the tax period by the taxpayer for
145 compensation to persons qualifying as retained
146 business facility employees at the retained
147 business facility, and the denominator of which
148 is the total amount paid in this state during
149 the tax period by the taxpayer for
150 compensation. The compensation paid in this
151 state shall be determined as provided in chapter
152 32;

153 (10) "Retained business facility
154 investment", the value of real and depreciable
155 tangible personal property, acquired by the
156 taxpayer as part of the retained business
157 facility after the date of continuation of
158 commercial operations, which is used by the
159 taxpayer in the operation of the retained
160 business facility, during the taxable year for
161 which the credit allowed by section 135.279 is
162 claimed, except that trucks, truck-trailers,
163 truck semitrailers, rail vehicles, barge
164 vehicles, aircraft and other rolling stock for
165 hire, track, switches, barges, bridges, tunnels,
166 rail yards, and spurs shall not constitute
167 retained business facility investments. The
168 total value of such property during such taxable
169 year shall be:

170 (a) Its original cost if owned by the
171 taxpayer; or

172 (b) Eight times the net annual rental
173 rate, if leased by the taxpayer. The net annual
174 rental rate shall be the annual rental rate paid

175 by the taxpayer less any annual rental rate
176 received by the taxpayer from subrentals. The
177 retained business facility investment shall be
178 determined by dividing by twelve the sum of the
179 total value of such property on the last
180 business day of each calendar month of the
181 taxable year. If the retained business facility
182 is in operation for less than an entire taxable
183 year, the retained business facility investment
184 shall be determined by dividing the sum of the
185 total value of such property on the last
186 business day of each full calendar month during
187 the portion of such taxable year during which
188 the retained business facility was in operation
189 by the number of full calendar months during
190 such period;

191 (11) "Revenue-producing enterprise",
192 manufacturing activities classified as NAICS
193 336211.]

[135.277. The provisions of chapter 143
2 notwithstanding, one-half of the Missouri
3 taxable income attributed to an approved
4 retained business facility that is earned by a
5 taxpayer operating the approved retained
6 business facility may be exempt from taxation
7 under chapter 143. That portion of income
8 attributed to the retained business facility
9 shall be determined in a manner prescribed in
10 paragraph (b) of subdivision (9) of section
11 135.276, except that compensation paid to truck
12 drivers, rail, or barge vehicle operators shall
13 be excluded from the fraction.]

[135.279. 1. Any taxpayer that operates
2 an approved retained business facility in an
3 enterprise zone may be allowed a credit, each
4 year for ten years, in an amount determined
5 pursuant to subsection 2 or 3 of this section,
6 whichever is applicable, against the tax imposed
7 by chapter 143, excluding withholding tax
8 imposed by sections 143.191 to 143.265, as
9 follows:

10 (1) The credit allowed for each retained
11 business facility employee shall be four hundred

12 dollars, except that for each retained business
13 facility employee that exceeds the level of
14 employment set forth in paragraph (b) of
15 subdivision (7) of section 135.276, the credit
16 shall be five hundred dollars. Transfers from
17 another facility operated by the taxpayer in the
18 state will not count as retained business
19 facility employees;

20 (2) An additional credit of four hundred
21 dollars shall be granted for each twelve-month
22 period that a retained business facility
23 employee is a resident of an enterprise zone;

24 (3) An additional credit of four hundred
25 dollars shall be granted for each twelve-month
26 period that the person employed as a retained
27 business facility employee is a person who, at
28 the time of such employment by the new business
29 facility, met the criteria as set forth in
30 section 135.240;

31 (4) To the extent that expenses incurred
32 by a retained business facility in an enterprise
33 zone for the training of persons employed in the
34 operation of the retained business facility is
35 not covered by an existing federal, state, or
36 local program, such retained business facility
37 shall be eligible for a full tax credit equal to
38 eighty percent of that portion of such training
39 expenses which are in excess of four hundred
40 dollars for each trainee who is a resident of an
41 enterprise zone or who was at the time of such
42 employment at the retained business facility
43 unemployable or difficult to employ as defined
44 in section 135.240, provided such credit shall
45 not exceed four hundred dollars for each
46 employee trained;

47 (5) The credit allowed for retained
48 business facility investment shall be equal to
49 the sum of ten percent of the first ten thousand
50 dollars of such qualifying investment, plus five
51 percent of the next ninety thousand dollars of
52 such qualifying investment, plus two percent of
53 all remaining qualifying investments within an
54 enterprise zone. The taxpayer's retained
55 business facility investment shall be reduced by

56 the amount of investment made by the taxpayer or
57 related taxpayer which was subsequently
58 transferred to the retained business facility
59 from another Missouri facility and for which
60 credits authorized in this section are not being
61 earned.

62 2. The credits allowed by subsection 1 of
63 this section shall offset the greater of:

64 (1) Some portion of the income tax
65 otherwise imposed by chapter 143, excluding
66 withholding tax imposed by sections 143.191 to
67 143.265, with respect to such taxpayer's
68 retained business facility income for the
69 taxable year for which such credit is allowed; or

70 (2) If the taxpayer operates no other
71 facility in Missouri, the credits allowed in
72 subsection 1 of this section shall offset up to
73 fifty percent or, in the case of an economic
74 development project located within a distressed
75 community as defined in section 135.530, seventy-
76 five percent of the business income tax
77 otherwise imposed by chapter 143, excluding
78 withholding tax imposed by sections 143.191 to
79 143.265, if the business operates no other
80 facilities in Missouri;

81 (3) If the taxpayer operates more than one
82 facility in Missouri, the credits allowed in
83 subsection 1 of this section shall offset up to
84 the greater of the portion prescribed in
85 subdivision (1) of this subsection or twenty-
86 five percent or, in the case of an economic
87 development project located within a distressed
88 community as defined in section 135.530, thirty-
89 five percent of the business' tax, except that
90 no taxpayer operating more than one facility in
91 Missouri shall be allowed to offset more than
92 twenty-five percent or, in the case of an
93 economic development project located within a
94 distressed community as defined in section
95 135.530, thirty-five percent of the taxpayer's
96 business income tax in any tax period under the
97 method prescribed in this subdivision.

98 3. In the case where a person employed by
99 the retained business facility is a resident of

100 the enterprise zone for less than a twelve-month
101 period, or in the case where a person employed
102 as a retained business facility employee is a
103 person who, at the time of such employment by
104 the retained business facility, met the criteria
105 as set forth in section 135.240, is employed for
106 less than a twelve-month period, the credits
107 allowed by subdivisions (2) and (3) of
108 subsection 1 of this section shall be determined
109 by multiplying the dollar amount of the credit
110 by a fraction, the numerator of which is the
111 number of calendar days during the taxpayer's
112 tax year for which such credits are claimed, in
113 which the person met the requirements prescribed
114 in subdivision (2) or (3) of this subsection,
115 and the denominator of which is three hundred
116 sixty-five.

117 4. Notwithstanding any provision of law to
118 the contrary, any taxpayer who claims the
119 exemption and credits allowed in sections
120 135.276 to 135.283 shall not be eligible to
121 receive the exemption allowed in section
122 135.220, the credits allowed in sections 135.225
123 and 135.235, and the refund authorized by
124 section 135.245 or the tax credits allowed in
125 section 135.110. The taxpayer must elect among
126 the options. To perfect the election, the
127 taxpayer shall attach written notification of
128 such election to the taxpayer's initial
129 application for claiming tax credits. The
130 election shall be irreversible once perfected.

131 5. A taxpayer shall not receive the income
132 exemption described in section 135.276 and the
133 tax credits described in subsection 1 of this
134 section for any year in which the terms and
135 conditions of sections 135.276 to 135.283 are
136 not met. Such incentives shall not exceed the
137 fifteen-year limitation pursuant to subsection 1
138 of section 135.230 or the seven-year limitation
139 pursuant to subsection 5 of section 135.230.

140 6. The initial application for claiming
141 tax credits must be made in the taxpayer's tax
142 period immediately following the tax period in

143 which commencement of commercial operations
144 began at the new business facility.

145 7. Credits may not be carried forward but
146 shall be claimed for the taxable year during
147 which continuation of commercial operations
148 occurs at such retained business facility, and
149 for each of the nine succeeding taxable years.]

[135.281. 1. Any taxpayer operating an
2 approved retained business facility that is
3 located within a state enterprise zone
4 established pursuant to sections 135.200 to
5 135.256 may make an application to the
6 department of economic development for an income
7 tax refund.

8 2. Such refunds shall be approved only if
9 the amount of tax credits certified for the
10 taxpayer in the taxable year exceeded the
11 company's total Missouri tax on taxable income
12 in that year by an amount equal to at least one
13 million dollars. In such cases, a portion of
14 tax credits earned shall constitute an
15 overpayment of taxes and may be refunded to the
16 taxpayer in the manner authorized by this
17 section.

18 3. The department shall evaluate and may
19 approve such applications based upon the
20 importance of the approved retained business
21 facility to the economy of Missouri, the
22 company's investment of at least five hundred
23 million dollars in facilities or equipment, and
24 the number of jobs to be created or retained.
25 Such applications may be approved annually for
26 no longer than five successive years. The
27 maximum amount of refund that may be awarded to
28 the manufacturer or assembler shall not exceed
29 two million dollars per year. Notwithstanding
30 other provisions of law to the contrary, if the
31 taxpayer's tax credits issued under sections
32 135.276 to 135.283 for a taxable year exceed the
33 taxpayer's taxable income by more than two
34 million dollars, the credits may be carried
35 forward for five years or until used, whichever

36 is earlier, and may be included in refund
37 amounts otherwise authorized by this section.]

[135.283. 1. A taxpayer shall apply to
2 the department for approval to participate in
3 the program authorized by sections 135.276 to
4 135.283. The application shall be in a form
5 prescribed by and contain all information
6 requested by the department to determine
7 eligibility for the program and for the
8 department to make its decision whether to
9 approve the taxpayer for participation in the
10 program.]

11 2. The department may issue an approval
12 contingent upon the successful execution of an
13 agreement between the department and the
14 taxpayer seeking approval of a facility as a
15 retained business facility which shall include,
16 but not be limited to, the following:

17 (1) A detailed description of the project
18 that is the subject of the agreement;

19 (2) A requirement that the taxpayer shall
20 annually report to the department the total
21 amount of salaries and wages paid to eligible
22 employees in retained business facility jobs,
23 and any other information the department
24 requires to confirm compliance with the
25 requirements of sections 135.276 to 135.283;

26 (3) A requirement that the taxpayer shall
27 provide written notification to the director not
28 more than thirty days after the taxpayer makes
29 or receives a proposal that would transfer the
30 taxpayer's state tax liability obligations to a
31 successor taxpayer;

32 (4) A requirement that the taxpayer shall
33 maintain operations at the facility location for
34 at least ten years at a certain employment level;

35 (5) The requirements otherwise required by
36 sections 135.276 to 135.283; and

37 (6) A provision for repayment of
38 incentives upon breach of the agreement.]

[135.313. 1. Any person, firm or
2 corporation who engages in the business of
3 producing charcoal or charcoal products in the

4 state of Missouri shall be eligible for a tax
5 credit on income taxes otherwise due pursuant to
6 chapter 143, except sections 143.191 to 143.261,
7 as an incentive to implement safe and efficient
8 environmental controls. The tax credit shall be
9 equal to fifty percent of the purchase price of
10 the best available control technology equipment
11 connected with the production of charcoal in the
12 state of Missouri or, if the taxpayer
13 manufactures such equipment, fifty percent of
14 the manufacturing cost of the equipment, to and
15 including the year the equipment is put into
16 service. The credit may be claimed for a period
17 of eight years beginning with the 1998 calendar
18 year and is to be a tax credit against the tax
19 otherwise due.

20 2. Any amount of credit which exceeds the
21 tax due shall not be refunded but may be carried
22 over to any subsequent taxable year, not to
23 exceed seven years.

24 3. The charcoal producer may elect to
25 assign to a third party the approved tax
26 credit. Certification of assignment and other
27 appropriate forms must be filed with the
28 Missouri department of revenue and the
29 department of economic development.

30 4. When applying for a tax credit, the
31 charcoal producer specified in subsection 1 of
32 this section shall make application for the
33 credit to the division of environmental quality
34 of the department of natural resources. The
35 application shall identify the specific best
36 available control technology equipment and the
37 purchase price, or manufacturing cost of such
38 equipment. The director of the department of
39 natural resources is authorized to require
40 permits to construct prior to the installation
41 of best available control technology equipment
42 and other information which he or she deems
43 appropriate.

44 5. The director of the department of
45 natural resources in conjunction with the
46 department of economic development shall certify
47 to the department of revenue that the best

48 available control technology equipment meets the
49 requirements to obtain a tax credit as specified
50 in this section.]

2 [135.545. A taxpayer shall be allowed a
3 credit for taxes paid pursuant to chapter 143,
4 147 or 148 in an amount equal to fifty percent
5 of a qualified investment in transportation
6 development for aviation, mass transportation,
7 including parking facilities for users of mass
8 transportation, railroads, ports, including
9 parking facilities and limited access roads
10 within ports, waterborne transportation, bicycle
11 and pedestrian paths, or rolling stock located
12 in a distressed community as defined in section
13 135.530, and which are part of a development
14 plan approved by the appropriate local agency.
15 If the department of economic development
16 determines the investment has been so approved,
17 the department shall grant the tax credit in
18 order of date received. A taxpayer may carry
19 forward any unused tax credit for up to ten
20 years and may carry it back for the previous
21 three years until such credit has been fully
22 claimed. Certificates of tax credit issued in
23 accordance with this section may be transferred,
24 sold or assigned by notarized endorsement which
25 names the transferee. The tax credits allowed
26 pursuant to this section shall be for an amount
27 of no more than ten million dollars for each
28 year. This credit shall apply to returns filed
29 for all taxable years beginning on or after
30 January 1, 1999. Any unused portion of the tax
31 credit authorized pursuant to this section shall
32 be available for use in the future by those
33 entities until fully claimed. For purposes of
34 this section, a "taxpayer" shall include any
35 charitable organization that is exempt from
36 federal income tax and whose Missouri unrelated
37 business taxable income, if any, would be
38 subject to the state income tax imposed under
chapter 143.]

2 [135.546. For all tax years beginning on
or after January 1, 2005, no tax credits shall

3 be approved, awarded, or issued to any person or
4 entity claiming any tax credit under section
5 135.545; if an organization has been allocated
6 credits for contribution-based credits prior to
7 January 1, 2005, the organization may issue such
8 credits prior to January 1, 2007, for qualified
9 contributions.]

[135.680. 1. As used in this section, the
2 following terms shall mean:

3 (1) "Adjusted purchase price", the product
4 of:

5 (a) The amount paid to the issuer of a
6 qualified equity investment for such qualified
7 equity investment; and

8 (b) The following fraction:

9 a. The numerator shall be the dollar
10 amount of qualified low-income community
11 investments held by the issuer in this state as
12 of the credit allowance date during the
13 applicable tax year; and

14 b. The denominator shall be the total
15 dollar amount of qualified low-income community
16 investments held by the issuer in all states as
17 of the credit allowance date during the
18 applicable tax year;

19 c. For purposes of calculating the amount
20 of qualified low-income community investments
21 held by an issuer, an investment shall be
22 considered held by an issuer even if the
23 investment has been sold or repaid; provided
24 that the issuer reinvests an amount equal to the
25 capital returned to or recovered by the issuer
26 from the original investment, exclusive of any
27 profits realized, in another qualified low-
28 income community investment within twelve months
29 of the receipt of such capital. An issuer shall
30 not be required to reinvest capital returned
31 from qualified low-income community investments
32 after the sixth anniversary of the issuance of
33 the qualified equity investment, the proceeds of
34 which were used to make the qualified low-income
35 community investment, and the qualified low-
36 income community investment shall be considered

37 held by the issuer through the seventh
38 anniversary of the qualified equity investment's
39 issuance;

40 (2) "Applicable percentage", zero percent
41 for each of the first two credit allowance
42 dates, seven percent for the third credit
43 allowance date, and eight percent for the next
44 four credit allowance dates;

45 (3) "Credit allowance date", with respect
46 to any qualified equity investment:

47 (a) The date on which such investment is
48 initially made; and

49 (b) Each of the six anniversary dates of
50 such date thereafter;

51 (4) "Long-term debt security", any debt
52 instrument issued by a qualified community
53 development entity, at par value or a premium,
54 with an original maturity date of at least seven
55 years from the date of its issuance, with no
56 acceleration of repayment, amortization, or
57 prepayment features prior to its original
58 maturity date, and with no distribution,
59 payment, or interest features related to the
60 profitability of the qualified community
61 development entity or the performance of the
62 qualified community development entity's
63 investment portfolio. The foregoing shall in no
64 way limit the holder's ability to accelerate
65 payments on the debt instrument in situations
66 where the issuer has defaulted on covenants
67 designed to ensure compliance with this section
68 or Section 45D of the Internal Revenue Code of
69 1986, as amended;

70 (5) "Qualified active low-income community
71 business", the meaning given such term in
72 Section 45D of the Internal Revenue Code of
73 1986, as amended; provided that any business
74 that derives or projects to derive fifteen
75 percent or more of its annual revenue from the
76 rental or sale of real estate shall not be
77 considered to be a qualified active low-income
78 community business;

79 (6) "Qualified community development
80 entity", the meaning given such term in Section

81 45D of the Internal Revenue Code of 1986, as
82 amended; provided that such entity has entered
83 into an allocation agreement with the Community
84 Development Financial Institutions Fund of the
85 U.S. Treasury Department with respect to credits
86 authorized by Section 45D of the Internal
87 Revenue Code of 1986, as amended, which includes
88 the state of Missouri within the service area
89 set forth in such allocation agreement;

90 (7) "Qualified equity investment", any
91 equity investment in, or long-term debt security
92 issued by, a qualified community development
93 entity that:

94 (a) Is acquired after September 4, 2007,
95 at its original issuance solely in exchange for
96 cash;

97 (b) Has at least eighty-five percent of
98 its cash purchase price used by the issuer to
99 make qualified low-income community investments;
100 and

101 (c) Is designated by the issuer as a
102 qualified equity investment under this
103 subdivision and is certified by the department
104 of economic development as not exceeding the
105 limitation contained in subsection 2 of this
106 section. This term shall include any qualified
107 equity investment that does not meet the
108 provisions of paragraph (a) of this subdivision
109 if such investment was a qualified equity
110 investment in the hands of a prior holder;

111 (8) "Qualified low-income community
112 investment", any capital or equity investment
113 in, or loan to, any qualified active low-income
114 community business. With respect to any one
115 qualified active low-income community business,
116 the maximum amount of qualified low-income
117 community investments made in such business, on
118 a collective basis with all of its affiliates,
119 that may be used from the calculation of any
120 numerator described in subparagraph a. of
121 paragraph (b) of subdivision (1) of this
122 subsection shall be ten million dollars whether
123 issued to one or several qualified community
124 development entities;

125 (9) "Tax credit", a credit against the tax
126 otherwise due under chapter 143, excluding
127 withholding tax imposed in sections 143.191 to
128 143.265, or otherwise due under section 375.916
129 or chapter 147, 148, or 153;

130 (10) "Taxpayer", any individual or entity
131 subject to the tax imposed in chapter 143,
132 excluding withholding tax imposed in sections
133 143.191 to 143.265, or the tax imposed in
134 section 375.916 or chapter 147, 148, or 153.

135 2. A taxpayer that makes a qualified
136 equity investment earns a vested right to tax
137 credits under this section. On each credit
138 allowance date of such qualified equity
139 investment the taxpayer, or subsequent holder of
140 the qualified equity investment, shall be
141 entitled to a tax credit during the taxable year
142 including such credit allowance date. The tax
143 credit amount shall be equal to the applicable
144 percentage of the adjusted purchase price paid
145 to the issuer of such qualified equity
146 investment. The amount of the tax credit
147 claimed shall not exceed the amount of the
148 taxpayer's state tax liability for the tax year
149 for which the tax credit is claimed. No tax
150 credit claimed under this section shall be
151 refundable or transferable. Tax credits earned
152 by a partnership, limited liability company, S-
153 corporation, or other pass-through entity may be
154 allocated to the partners, members, or
155 shareholders of such entity for their direct use
156 in accordance with the provisions of any
157 agreement among such partners, members, or
158 shareholders. Any amount of tax credit that the
159 taxpayer is prohibited by this section from
160 claiming in a taxable year may be carried
161 forward to any of the taxpayer's five subsequent
162 taxable years. The department of economic
163 development shall limit the monetary amount of
164 qualified equity investments permitted under
165 this section to a level necessary to limit tax
166 credit utilization at no more than twenty-five
167 million dollars of tax credits in any fiscal
168 year. Such limitation on qualified equity

169 investments shall be based on the anticipated
170 utilization of credits without regard to the
171 potential for taxpayers to carry forward tax
172 credits to later tax years.

173 3. The issuer of the qualified equity
174 investment shall certify to the department of
175 economic development the anticipated dollar
176 amount of such investments to be made in this
177 state during the first twelve-month period
178 following the initial credit allowance date. If
179 on the second credit allowance date, the actual
180 dollar amount of such investments is different
181 than the amount estimated, the department of
182 economic development shall adjust the credits
183 arising on the second allowance date to account
184 for such difference.

185 4. The department of economic development
186 shall recapture the tax credit allowed under
187 this section with respect to such qualified
188 equity investment under this section if:

189 (1) Any amount of the federal tax credit
190 available with respect to a qualified equity
191 investment that is eligible for a tax credit
192 under this section is recaptured under Section
193 45D of the Internal Revenue Code of 1986, as
194 amended; or

195 (2) The issuer redeems or makes principal
196 repayment with respect to a qualified equity
197 investment prior to the seventh anniversary of
198 the issuance of such qualified equity
199 investment. Any tax credit that is subject to
200 recapture shall be recaptured from the taxpayer
201 that claimed the tax credit on a return.

202 5. The department of economic development
203 shall promulgate rules to implement the
204 provisions of this section, including recapture
205 provisions on a scaled proportional basis, and
206 to administer the allocation of tax credits
207 issued for qualified equity investments, which
208 shall be conducted on a first-come, first-serve
209 basis. Any rule or portion of a rule, as that
210 term is defined in section 536.010, that is
211 created under the authority delegated in this
212 section shall become effective only if it

213 complies with and is subject to all of the
214 provisions of chapter 536 and, if applicable,
215 section 536.028. This section and chapter 536
216 are nonseverable and if any of the powers vested
217 with the general assembly pursuant to chapter
218 536 to review, to delay the effective date, or
219 to disapprove and annul a rule are subsequently
220 held unconstitutional, then the grant of
221 rulemaking authority and any rule proposed or
222 adopted after September 4, 2007, shall be
223 invalid and void.

224 6. For fiscal years following fiscal year
225 2010, qualified equity investments shall not be
226 made under this section unless reauthorization
227 is made pursuant to this subsection. For all
228 fiscal years following fiscal year 2010, unless
229 the general assembly adopts a concurrent
230 resolution granting authority to the department
231 of economic development to approve qualified
232 equity investments for the Missouri new markets
233 development program and clearly describing the
234 amount of tax credits available for the next
235 fiscal year, or otherwise complies with the
236 provisions of this subsection, no qualified
237 equity investments may be permitted to be made
238 under this section. The amount of available tax
239 credits contained in such a resolution shall not
240 exceed the limitation provided under subsection
241 2 of this section. In any year in which the
242 provisions of this section shall sunset pursuant
243 to subsection 7 of this section, reauthorization
244 shall be made by general law and not by
245 concurrent resolution. Nothing in this
246 subsection shall preclude a taxpayer who makes a
247 qualified equity investment prior to the
248 expiration of authority to make qualified equity
249 investments from claiming tax credits relating
250 to such qualified equity investment for each
251 applicable credit allowance date.

252 7. Under section 23.253 of the Missouri
253 sunset act:

254 (1) The provisions of the new program
255 authorized under this section shall
256 automatically sunset six years after September

257 4, 2007, unless reauthorized by an act of the
258 general assembly; and

259 (2) If such program is reauthorized, the
260 program authorized under this section shall
261 automatically sunset twelve years after the
262 effective date of the reauthorization of this
263 section; and

264 (3) This section shall terminate on
265 September first of the calendar year immediately
266 following the calendar year in which the program
267 authorized under this section is sunset.

268 However, nothing in this subsection shall
269 preclude a taxpayer who makes a qualified equity
270 investment prior to sunset of this section under
271 the provisions of section 23.253 from claiming
272 tax credits relating to such qualified equity
273 investment for each credit allowance date.]

[135.682. 1. The director of the
2 department of economic development or the
3 director's designee shall issue letter rulings
4 regarding the tax credit program authorized
5 under section 135.680, subject to the terms and
6 conditions set forth in this section. The
7 director of the department of economic
8 development may impose additional terms and
9 conditions consistent with this section to
10 requests for letter rulings by regulation
11 promulgated under chapter 536. For the purposes
12 of this section, the term "letter ruling" means
13 a written interpretation of law to a specific
14 set of facts provided by the applicant
15 requesting a letter ruling.

16 2. The director or director's designee
17 shall respond to a request for a letter ruling
18 within sixty days of receipt of such request.
19 The applicant may provide a draft letter ruling
20 for the department's consideration. The
21 applicant may withdraw the request for a letter
22 ruling, in writing, prior to the issuance of the
23 letter ruling. The director or the director's
24 designee may refuse to issue a letter ruling for
25 good cause, but must list the specific reasons

26 for refusing to issue the letter ruling. Good
27 cause includes, but is not limited to:

28 (1) The applicant requests the director to
29 determine whether a statute is constitutional or
30 a regulation is lawful;

31 (2) The request involves a hypothetical
32 situation or alternative plans;

33 (3) The facts or issues presented in the
34 request are unclear, overbroad, insufficient, or
35 otherwise inappropriate as a basis upon which to
36 issue a letter ruling; and

37 (4) The issue is currently being
38 considered in a rulemaking procedure, contested
39 case, or other agency or judicial proceeding
40 that may definitely resolve the issue.

41 3. Letter rulings shall bind the director
42 and the director's agents and their successors
43 until such time as the taxpayer or its
44 shareholders, members, or partners, as
45 applicable, claim all of such tax credits on a
46 Missouri tax return, subject to the terms and
47 conditions set forth in properly published
48 regulations. The letter ruling shall apply only
49 to the applicant.

50 4. Letter rulings issued under the
51 authority of this section shall not be a rule as
52 defined in section 536.010 in that it is an
53 interpretation issued by the department with
54 respect to a specific set of facts and intended
55 to apply only to that specific set of facts, and
56 therefore shall not be subject to the rulemaking
57 requirements of chapter 536.

58 5. Information in letter ruling requests
59 as described in section 620.014 shall be closed
60 to the public. Copies of letter rulings shall
61 be available to the public provided that the
62 applicant identifying information and otherwise
63 protected information is redacted from the
64 letter ruling as provided in subsection 1 of
65 section 610.024.]

2 [135.710. 1. As used in this section, the
following terms mean:

3 (1) "Alternative fuel vehicle refueling
4 property", property in this state owned by an
5 eligible applicant and used for storing
6 alternative fuels and for dispensing such
7 alternative fuels into fuel tanks of motor
8 vehicles owned by such eligible applicant or
9 private citizens;

10 (2) "Alternative fuels", any motor fuel at
11 least seventy percent of the volume of which
12 consists of one or more of the following:

13 (a) Ethanol;

14 (b) Natural gas;

15 (c) Compressed natural gas, or CNG;

16 (d) Liquified natural gas, or LNG;

17 (e) Liquified petroleum gas, or LP gas,
18 propane, or autogas;

19 (f) Any mixture of biodiesel and diesel
20 fuel, without regard to any use of kerosene;

21 (g) Hydrogen;

22 (3) "Department", the department of
23 economic development;

24 (4) "Electric vehicle recharging
25 property", property in this state owned by an
26 eligible applicant and used for recharging
27 electric motor vehicles owned by such eligible
28 applicant or private citizens;

29 (5) "Eligible applicant", a business
30 entity or private citizen that is the owner of
31 an electric vehicle recharging property or an
32 alternative fuel vehicle refueling property;

33 (6) "Qualified Missouri contractor", a
34 contractor whose principal place of business is
35 located in Missouri and has been located in
36 Missouri for a period of not less than five
37 years;

38 (7) "Qualified property", an electric
39 vehicle recharging property or an alternative
40 fuel vehicle refueling property which, if
41 constructed after August 28, 2014, was
42 constructed with at least fifty-one percent of
43 the costs being paid to qualified Missouri
44 contractors for the:

45 (a) Fabrication of premanufactured
46 equipment or process piping used in the
47 construction of such facility;
48 (b) Construction of such facility; and
49 (c) General maintenance of such facility
50 during the time period in which such facility
51 receives any tax credit under this section.
52 If no qualified Missouri contractor is located
53 within seventy-five miles of the property, the
54 requirement that fifty-one percent of the costs
55 shall be paid to qualified Missouri contractors
56 shall not apply.

57 2. For all tax years beginning on or after
58 January 1, 2015, but before January 1, 2018, any
59 eligible applicant who installs and operates a
60 qualified property shall be allowed a credit
61 against the tax otherwise due under chapter 143,
62 excluding withholding tax imposed by sections
63 143.191 to 143.265, or due under chapter 147 or
64 chapter 148 for any tax year in which the
65 applicant is constructing the qualified
66 property. The credit allowed in this section
67 per eligible applicant who is a private citizen
68 shall not exceed fifteen hundred dollars or per
69 eligible applicant that is a business entity
70 shall not exceed the lesser of twenty thousand
71 dollars or twenty percent of the total costs
72 directly associated with the purchase and
73 installation of any alternative fuel storage and
74 dispensing equipment or any recharging equipment
75 on any qualified property, which shall not
76 include the following:

77 (1) Costs associated with the purchase of
78 land upon which to place a qualified property;
79 (2) Costs associated with the purchase of
80 an existing qualified property; or
81 (3) Costs for the construction or purchase
82 of any structure.

83 3. Tax credits allowed by this section
84 shall be claimed by the eligible applicant at
85 the time such applicant files a return for the
86 tax year in which the storage and dispensing or
87 recharging facilities were placed in service at
88 a qualified property, and shall be applied

89 against the income tax liability imposed by
90 chapter 143, chapter 147, or chapter 148 after
91 all other credits provided by law have been
92 applied. The cumulative amount of tax credits
93 which may be claimed by eligible applicants
94 claiming all credits authorized in this section
95 shall not exceed one million dollars in any
96 calendar year, subject to appropriations.

97 4. If the amount of the tax credit exceeds
98 the eligible applicant's tax liability, the
99 difference shall not be refundable. Any amount
100 of credit that an eligible applicant is
101 prohibited by this section from claiming in a
102 taxable year may be carried forward to any of
103 such applicant's two subsequent taxable years.
104 Tax credits allowed under this section may be
105 assigned, transferred, sold, or otherwise
106 conveyed.

107 5. Any qualified property, for which an
108 eligible applicant receives tax credits under
109 this section, which ceases to sell alternative
110 fuel or recharge electric vehicles shall cause
111 the forfeiture of such eligible applicant's tax
112 credits provided under this section for the
113 taxable year in which the qualified property
114 ceased to sell alternative fuel or recharge
115 electric vehicles and for future taxable years
116 with no recapture of tax credits obtained by an
117 eligible applicant with respect to such
118 applicant's tax years which ended before the
119 sale of alternative fuel or recharging of
120 electric vehicles ceased.

121 6. The director of revenue shall establish
122 the procedure by which the tax credits in this
123 section may be claimed, and shall establish a
124 procedure by which the cumulative amount of tax
125 credits is apportioned equally among all
126 eligible applicants claiming the credit. To the
127 maximum extent possible, the director of revenue
128 shall establish the procedure described in this
129 subsection in such a manner as to ensure that
130 eligible applicants can claim all the tax
131 credits possible up to the cumulative amount of
132 tax credits available for the taxable year. No

133 eligible applicant claiming a tax credit under
134 this section shall be liable for any interest or
135 penalty for filing a tax return after the date
136 fixed for filing such return as a result of the
137 apportionment procedure under this subsection.

138 7. Any eligible applicant desiring to
139 claim a tax credit under this section shall
140 submit the appropriate application for such
141 credit with the department. The application for
142 a tax credit under this section shall include
143 any information required by the department. The
144 department shall review the applications and
145 certify to the department of revenue each
146 eligible applicant that qualifies for the tax
147 credit.

148 8. The department and the department of
149 revenue may promulgate rules to implement the
150 provisions of this section. Any rule or portion
151 of a rule, as that term is defined in section
152 536.010, that is created under the authority
153 delegated in this section shall become effective
154 only if it complies with and is subject to all
155 of the provisions of chapter 536 and, if
156 applicable, section 536.028. This section and
157 chapter 536 are nonseverable and if any of the
158 powers vested with the general assembly pursuant
159 to chapter 536 to review, to delay the effective
160 date, or to disapprove and annul a rule are
161 subsequently held unconstitutional, then the
162 grant of rulemaking authority and any rule
163 proposed or adopted after August 28, 2008, shall
164 be invalid and void.

165 9. The provisions of section 23.253 of the
166 Missouri sunset act notwithstanding:

167 (1) The provisions of the new program
168 authorized under this section shall
169 automatically sunset three years after December
170 31, 2014, unless reauthorized by an act of the
171 general assembly; and

172 (2) If such program is reauthorized, the
173 program authorized under this section shall
174 automatically sunset six years after the
175 effective date of the reauthorization of this
176 section; and

177 (3) This section shall terminate on
178 December thirty-first of the calendar year
179 immediately following the calendar year in which
180 the program authorized under this section is
181 sunset; and

182 (4) The provisions of this subsection
183 shall not be construed to limit or in any way
184 impair the department's ability to redeem tax
185 credits authorized on or before the date the
186 program authorized under this section expires or
187 a taxpayer's ability to redeem such tax credits.]

[135.766. An eligible small business, as
2 defined in Section 44 of the Internal Revenue
3 Code, shall be allowed a credit against the tax
4 otherwise due pursuant to chapter 143, not
5 including sections 143.191 to 143.265, in an
6 amount equal to any amount paid by the eligible
7 small business to the United States Small
8 Business Administration as a guaranty fee
9 pursuant to obtaining Small Business
10 Administration guaranteed financing and to
11 programs administered by the United States
12 Department of Agriculture for rural development
13 or farm service agencies. No tax credits
14 provided under this section shall be authorized
15 on or after the thirtieth day following the
16 effective date of this act. The provisions of
17 this subsection shall not be construed to limit
18 or in any way impair the department's ability to
19 issue tax credits authorized prior to the
20 thirtieth day following the effective date of
21 this act, or a taxpayer's ability to redeem such
22 tax credits.]

[135.980. 1. As used in this section, the
2 following terms shall mean:

3 (1) "NAICS", the classification provided
4 by the most recent edition of the North American
5 Industry Classification System as prepared by
6 the Executive Office of the President, Office of
7 Management and Budget;

8 (2) "Public financial incentive", any
9 economic or financial incentive offered
10 including:

- 11 (a) Any tax reduction, credit,
12 forgiveness, abatement, subsidy, or other tax-
13 relieving measure;
- 14 (b) Any tax increment financing or similar
15 financial arrangement;
- 16 (c) Any monetary or nonmonetary benefit
17 related to any bond, loan, or similar financial
18 arrangement;
- 19 (d) Any reduction, credit, forgiveness,
20 abatement, subsidy, or other relief related to
21 any bond, loan, or similar financial
22 arrangement; and
- 23 (e) The ability to form, own, direct, or
24 receive any economic or financial benefit from
25 any special taxation district.
- 26 2. No city not within a county shall by
27 ballot measure impose any restriction on any
28 public financial incentive authorized by statute
29 for a business with a NAICS code of 212111.
- 30 3. The provisions of this section shall
31 expire on December 31, 2017.]

- [136.450. 1. There is hereby established
2 the "Study Commission on State Tax Policy" which
3 shall be composed of the following members:
- 4 (1) The members of the joint committee on
5 tax policy established in section 21.810;
- 6 (2) The state treasurer;
- 7 (3) The state budget director;
- 8 (4) The director of the department of
9 revenue, but only if such person has been
10 appointed by the governor with the advice and
11 consent of the senate in accordance with Article
12 IV, Section 51 of the Constitution of Missouri;
- 13 (5) Three individuals representing the
14 needs and concerns of individual taxpayers in
15 this state, one of whom shall be appointed by
16 the lieutenant governor, one of whom shall be
17 appointed by the minority floor leader of the
18 house of representatives, and one of whom shall
19 be appointed by the minority floor leader of the
20 senate;
- 21 (6) A certified public accountant, who
22 shall be appointed by the lieutenant governor in

23 consultation with the Missouri Society of
24 Certified Public Accountants;

25 (7) An independent tax practitioner, who
26 shall be appointed by the lieutenant governor in
27 consultation with the Missouri Society of
28 Accountants;

29 (8) An individual with experience
30 operating a business with a headquarters in this
31 state and fewer than fifty employees, who shall
32 be appointed by the speaker of the house of
33 representatives;

34 (9) An individual with experience
35 operating a business with a headquarters in this
36 state and at least fifty employees, who shall be
37 appointed by the president pro tempore of the
38 senate;

39 (10) Two individuals with significant
40 experience in state and local taxation, public
41 or private budgeting and finance, or public
42 services delivery, one of whom shall be
43 appointed by the speaker of the house of
44 representatives in consultation with the
45 Missouri Association of Counties and the other
46 appointed by the president pro tempore of the
47 senate in consultation with Missouri Municipal
48 League; and

49 (11) A member of the Missouri Bar with
50 knowledge of the tax laws of this state,
51 including tax administration and compliance, who
52 shall be appointed by the board of governors of
53 the Missouri Bar.

54 2. Any vacancy on the commission shall be
55 filled in the same manner as the original
56 appointment. Any appointed member of the
57 commission shall serve at the pleasure of the
58 appointing authority. Commission members shall
59 serve without compensation but shall be entitled
60 to reimbursement for actual and necessary
61 expenses incurred in the performance of their
62 official duties.

63 3. The commission shall meet in the
64 capitol building within ten days after its
65 creation and organize by selecting a chair and
66 vice chair from its members. After its

67 organization, the commission shall adopt an
68 agenda establishing at least five hearing
69 dates. The hearings shall be held in different
70 geographic regions of the state and open to the
71 public. Additional meetings may be scheduled
72 and held as often as the chair deems advisable.
73 A majority of the members shall constitute a
74 quorum.

75 4. It shall be the duty of the commission:

76 (1) To make a complete, detailed review
77 and study of the tax structure of the state and
78 its political subdivisions, including tax
79 sources, the impact of taxes, collection
80 procedures, administrative regulations, and all
81 other factors pertinent to the fiscal operation
82 of the state;

83 (2) To identify the strengths and
84 weaknesses of state tax laws, and develop a
85 broad range of improvements that could be made
86 to modernize the tax system, maximize economic
87 development and growth, and maintain necessary
88 government services at an appropriate level;

89 (3) To investigate measures and methods to
90 simplify state tax law, improve tax compliance,
91 and reduce administrative costs; and

92 (4) To examine and study any other aspects
93 of state and local government which may be
94 related to the tax structure of the state.

95 5. In order to carry out its duties and
96 responsibilities under this section, the
97 commission shall have the authority to:

98 (1) Consult with public and private
99 universities and academies, public and private
100 organizations, and private citizens in the
101 performance of its duties;

102 (2) Within the limits of appropriations
103 made for such purpose, employ consultants or
104 others to assist the commission in its work, or
105 contract with public and private entities for
106 analysis and study of current or proposed
107 changes to state and local tax policy; and

108 (3) Make reasonable requests for staff
109 assistance from the research and appropriations
110 staffs of the house of representatives and

111 senate and the committee on legislative
112 research, as well as the office of
113 administration and the department of revenue.

114 6. All state agencies and political
115 subdivisions of the state responsible for the
116 administration of tax policies shall cooperate
117 with and assist the commission in the
118 performance of its duties and shall make
119 available all books, records, and information
120 requested, except such books, records, and
121 information as are by law declared confidential
122 in nature, including individually identifiable
123 information regarding a specific taxpayer.

124 7. The commission may issue interim
125 reports as it deems fit, but it shall provide
126 the governor and the general assembly with
127 reports of its findings and recommendations for
128 legal and administrative changes, along with any
129 proposed legislation the commission recommends
130 for adoption by the general assembly. A
131 preliminary report shall be due by December 31,
132 2016. A final report shall be due December 31,
133 2017.

134 8. The commission shall cease all
135 activities by January 1, 2018. This section
136 shall expire August 28, 2018.]

[142.1000. 1. There is hereby created
2 within the department of revenue the "Electric
3 Vehicle Task Force" to consist of the following
4 members:

5 (1) The director of the department of
6 revenue, or his or her designee, who shall serve
7 as chair;

8 (2) The chairman of the public service
9 commission, or his or her designee, who shall
10 serve as vice chair;

11 (3) The director of the department of
12 transportation, or his or her designee;

13 (4) One member of the senate committee
14 with jurisdiction over transportation matters,
15 to be appointed by the president pro tempore of
16 the senate;

17 (5) One member of the house of
18 representatives committee with jurisdiction over
19 transportation matters, to be appointed by the
20 speaker of the house of representatives;

21 (6) One member of the senate committee
22 with jurisdiction over transportation matters,
23 to be appointed by the minority floor leader of
24 the senate;

25 (7) One member of the house of
26 representatives committee with jurisdiction over
27 transportation matters, to be appointed by the
28 minority floor leader of the house of
29 representatives;

30 (8) One representative of the trucking or
31 heavy vehicle industry, to be appointed by the
32 president pro tempore of the senate;

33 (9) One representative of electric vehicle
34 manufacturers or dealers, to be appointed by the
35 speaker of the house of representatives;

36 (10) One representative of conventional
37 motor vehicle manufacturers or dealers, to be
38 appointed by the president pro tempore of the
39 senate;

40 (11) One representative of the petroleum
41 industry or convenience stores, to be appointed
42 by the speaker of the house of representatives;

43 (12) One representative of electric
44 vehicle charging station manufacturers or
45 operators, to be appointed by the president pro
46 tempore of the senate; and

47 (13) One representative of electric
48 utilities, to be appointed by the speaker of the
49 house of representatives.

50 2. The task force shall analyze the
51 following in the context of transportation
52 funding, and make recommendations as to any
53 actions the state should take to fund
54 transportation infrastructure in anticipation of
55 more widespread adoption of electric vehicles:

56 (1) Removal or mitigation of barriers to
57 electric vehicle charging, including strategies,
58 such as time-of-use rates, to reduce operating
59 costs for current and future electric vehicle
60 owners without shifting costs to electric

61 ratepayers who do not own or operate electric
62 vehicles;

63 (2) Strategies for managing the impact of
64 electric vehicles on, and services provided for
65 electric vehicles by, the electricity
66 transmission and distribution system;

67 (3) Electric system benefits and costs of
68 electric vehicle charging, electric utility
69 planning for electric vehicle charging, and rate
70 design for electric vehicle charging;

71 (4) The appropriate role of electric
72 utilities with regard to the deployment and
73 operation of electric vehicle charging systems;

74 (5) How and on what terms, including
75 quantity, pricing, and time of day, charging
76 stations owned or operated by entities other
77 than electric utilities will obtain electricity
78 to provide to electric vehicles;

79 (6) What safety standards should apply to
80 the charging of electric vehicles;

81 (7) The recommended scope of the
82 jurisdiction of the public service commission,
83 the department of revenue, and other state
84 agencies over charging stations owned or
85 operated by entities other than electric
86 utilities;

87 (8) Whether charging stations owned or
88 operated by entities other than electric
89 utilities will be free to set the rates or
90 prices at which they provide electricity to
91 electric vehicles, and any other issues relevant
92 to the appropriate oversight of the rates and
93 prices charged by such stations, including
94 transparency to the consumer of those rates and
95 prices; and

96 (9) The recommended billing and complaint
97 procedures for charging stations;

98 (10) Options to address how electric
99 vehicle users pay toward the cost of maintaining
100 the state's transportation infrastructure,
101 including methods to assess the impact of
102 electric vehicles on that infrastructure and how
103 to calculate a charge based on that impact, the
104 potential assessment of a charge to electric

105 vehicles as a rate per kilowatt hour delivered
106 to an electric vehicle, varying such per-
107 kilowatt-hour charge by size and type of
108 electric vehicle, and phasing in such per-
109 kilowatt-hour charge;

110 (11) The accuracy of electric metering and
111 submetering technology for charging electric
112 vehicles;

113 (12) Strategies to encourage electric
114 vehicle usage without shifting costs to electric
115 ratepayers who do not own or charge electric
116 vehicles; and

117 (13) Any other issues the task force
118 considers relevant.

119 3. The department of revenue shall provide
120 such research, clerical, technical, and other
121 services as the task force may require in the
122 performance of its duties.

123 4. The task force may hold public meetings
124 at which it may invite testimony from experts,
125 or it may solicit information from any party it
126 deems may have information relevant to its
127 duties under this section.

128 5. No later than December 31, 2022, the
129 task force shall provide to the general assembly
130 and the governor a written report detailing its
131 findings and recommendations, including
132 identifying any recommendations that may require
133 enabling legislation.

134 6. Members shall serve on the task force
135 without compensation, but may, at the discretion
136 of the director of the department of revenue, be
137 reimbursed for actual and necessary expenses
138 incurred in the performance of their official
139 duties as members of the task force.

140 7. The task force shall expire on December
141 31, 2022.]

[143.173. 1. As used in this section, the
2 following terms mean:

3 (1) "County average wage", the average
4 wages in each county as determined by the
5 department of economic development for the most
6 recently completed full calendar year. However,

7 if the computed county average wage is above the
8 statewide average wage, the statewide average
9 wage shall be deemed the county average wage for
10 such county for the purpose of this section;

11 (2) "Deduction", an amount subtracted from
12 the taxpayer's Missouri adjusted gross income to
13 determine Missouri taxable income, or federal
14 taxable income in the case of a corporation, for
15 the tax year in which such deduction is claimed;

16 (3) "Full-time employee", a position in
17 which the employee is considered full-time by
18 the taxpayer and is required to work an average
19 of at least thirty-five hours per week for a
20 fifty-two week period;

21 (4) "New job", the number of full-time
22 employees employed by the small business in
23 Missouri on the qualifying date that exceeds the
24 number of full-time employees employed by the
25 small business in Missouri on the same date of
26 the immediately preceding taxable year;

27 (5) "Qualifying date", any date during the
28 tax year as chosen by the small business;

29 (6) "Small business", any small business,
30 including any sole proprietorship, partnership,
31 S-corporation, C-corporation, limited liability
32 company, limited liability partnership, or other
33 business entity, consisting of fewer than fifty
34 full- or part-time employees;

35 (7) "Taxpayer", any small business subject
36 to the income tax imposed in this chapter,
37 including any sole proprietorship, partnership,
38 S-corporation, C-corporation, limited liability
39 company, limited liability partnership, or other
40 business entity.

41 2. In addition to all deductions listed in
42 this chapter, for all taxable years beginning on
43 or after January 1, 2011, and ending on or
44 before December 31, 2014, a taxpayer shall be
45 allowed a deduction for each new job created by
46 the small business in the taxable year. Tax
47 deductions allowed to any partnership, limited
48 liability company, S-corporation, or other pass-
49 through entity may be allocated to the partners,
50 members, or shareholders of such entity for

51 their direct use in accordance with the
52 provisions of any agreement among such partners,
53 members, or shareholders. The deduction amount
54 shall be as follows:

55 (1) Ten thousand dollars for each new job
56 created with an annual salary of at least the
57 county average wage; or

58 (2) Twenty thousand dollars for each new
59 job created with an annual salary of at least
60 the county average wage if the small business
61 offers health insurance and pays at least fifty
62 percent of such insurance premiums.

63 3. The department of revenue shall
64 establish the procedure by which the deduction
65 provided in this section may be claimed, and may
66 promulgate rules to implement the provisions of
67 this section. Any rule or portion of a rule, as
68 that term is defined in section 536.010, that is
69 created under the authority delegated in this
70 section shall become effective only if it
71 complies with and is subject to all of the
72 provisions of chapter 536 and, if applicable,
73 section 536.028. This section and chapter 536
74 are nonseverable and if any of the powers vested
75 with the general assembly under chapter 536 to
76 review, to delay the effective date, or to
77 disapprove and annul a rule are subsequently
78 held unconstitutional, then the grant of
79 rulemaking authority and any rule proposed or
80 adopted after August 28, 2011, shall be invalid
81 and void.

82 4. Under section 23.253 of the Missouri
83 sunset act:

84 (1) The provisions of the new program
85 authorized under this section shall
86 automatically sunset on December thirty-first
87 three years after August 28, 2011, unless
88 reauthorized by an act of the general assembly;
89 and

90 (2) If such program is reauthorized, the
91 program authorized under this section shall
92 automatically sunset on December thirty-first
93 three years after the effective date of the
94 reauthorization of this section; and

95 (3) This section shall terminate on
96 September first of the calendar year immediately
97 following the calendar year in which the program
98 authorized under this section is sunset.]

[143.732. 1. Notwithstanding any
2 provision of law to the contrary, no taxpayer
3 who has an individual tax liability under
4 chapter 143 for the tax year beginning January
5 1, 2018, and ending December 31, 2018, shall be
6 assessed any penalty before December 31, 2019,
7 for a delayed payment or underpayment on such
8 liability, provided that such taxpayer timely
9 files his or her individual income tax return
10 for such tax year and participates, in good
11 faith, in any payment plan authorized by the
12 department of revenue with respect to such
13 liability. Such taxpayer may nonetheless be
14 assessed interest on such liability under the
15 provisions of section 143.731 and any other
16 relevant provision of law, provided that no
17 interest on such liability shall be assessed
18 before May 15, 2019. If such taxpayer paid
19 interest or penalty on such liability under the
20 provisions of section 143.731 and any other
21 relevant provision of law before May 15, 2019,
22 he or she shall be entitled to a refund of such
23 interest or penalty, which shall be due no later
24 than December 31, 2019.

25 2. The department of revenue is authorized
26 to adopt such rules and regulations as are
27 reasonable and necessary to implement the
28 provisions of this section. Any rule or portion
29 of a rule, as that term is defined in section
30 536.010, that is created under the authority
31 delegated in this section shall become effective
32 only if it complies with and is subject to all
33 of the provisions of chapter 536 and, if
34 applicable, section 536.028. This section and
35 chapter 536 are nonseverable and if any of the
36 powers vested with the general assembly pursuant
37 to chapter 536 to review, to delay the effective
38 date, or to disapprove and annul a rule are
39 subsequently held unconstitutional, then the

40 grant of rulemaking authority and any rule
41 proposed or adopted after July 11, 2019, shall
42 be invalid and void.

43 3. Under section 23.253 of the Missouri
44 sunset act:

45 (1) The provisions of the new program
46 authorized under this section shall
47 automatically sunset on December 31, 2019; and

48 (2) This section shall terminate on
49 December thirty-first of the calendar year
50 immediately following the calendar year in which
51 the program authorized under this section is
52 sunset.]

[143.1008. 1. In each taxable year
2 beginning on or after January 1, 2008, each
3 individual or corporation entitled to a tax
4 refund in an amount sufficient to make a
5 designation under this section may designate
6 that one dollar or any amount in excess of one
7 dollar on a single return, and two dollars or
8 any amount in excess of two dollars on a
9 combined return, of the refund due be credited
10 to the after-school retreat reading and
11 assessment grant program fund. The contribution
12 designation authorized by this section shall be
13 clearly and unambiguously printed on the first
14 page of each income tax return form provided by
15 this state. If any individual or corporation
16 that is not entitled to a tax refund in an
17 amount sufficient to make a designation under
18 this section wishes to make a contribution to
19 the after-school retreat reading and assessment
20 grant program fund, such individual or
21 corporation may, by separate check, draft, or
22 other negotiable instrument, send in with the
23 payment of taxes, or may send in separately,
24 that amount, clearly designated for the after-
25 school retreat reading and assessment grant
26 program fund, the individual or corporation
27 wishes to contribute. The department of revenue
28 shall deposit such amount to the after-school
29 retreat reading and assessment grant program
30 fund as provided in subsection 2 of this section.

31 2. The director of revenue shall deposit
32 at least monthly all contributions designated by
33 individuals under this section to the state
34 treasurer for deposit to the after-school
35 retreat reading and assessment grant program
36 fund. The fund shall be administered by the
37 department of elementary and secondary education
38 with moneys in the fund distributed as provided
39 under section 167.680.

40 3. The director of revenue shall deposit
41 at least monthly all contributions designated by
42 the corporations under this section, less an
43 amount sufficient to cover the cost of
44 collection, handling, and administration by the
45 department of revenue during fiscal year 2008,
46 to the after-school retreat reading and
47 assessment grant program fund.

48 4. A contribution designated under this
49 section shall only be deposited in the after-
50 school retreat reading and assessment grant
51 program fund after all other claims against the
52 refund from which such contribution is to be
53 made have been satisfied.

54 5. Moneys deposited in the after-school
55 retreat reading and assessment grant program
56 fund shall be distributed by the department of
57 elementary and secondary education in accordance
58 with the provisions of this section and section
59 167.680.

60 6. The state treasurer shall invest moneys
61 in the fund in the same manner as other funds
62 are invested. Any interest and moneys earned on
63 such investments shall be credited to the fund.

64 7. Pursuant to section 23.253 of the
65 Missouri sunset act:

66 (1) The provisions of the new program
67 authorized under this section shall
68 automatically sunset six years after August 28,
69 2007, unless reauthorized by an act of the
70 general assembly; and

71 (2) If such program is reauthorized, the
72 program authorized under this section shall
73 automatically sunset twelve years after the

74 effective date of the reauthorization of this
75 section; and

76 (3) This section shall terminate on
77 December thirty-first of the calendar year
78 immediately following the calendar year in which
79 the program authorized under this section is
80 sunset.]

[143.1009. 1. In each taxable year
2 beginning on or after January 1, 2008, each
3 individual or corporation entitled to a tax
4 refund in an amount sufficient to make a
5 designation under this section may designate
6 that one dollar or any amount in excess of one
7 dollar on a single return, and two dollars or
8 any amount in excess of two dollars on a
9 combined return, of the refund due be credited
10 to the breast cancer awareness trust fund,
11 hereinafter referred to as the trust fund. If
12 any individual or corporation that is not
13 entitled to a tax refund in an amount sufficient
14 to make a designation under this section wishes
15 to make a contribution to the trust fund, such
16 individual or corporation may, by separate
17 check, draft, or other negotiable instrument,
18 send in with the payment of taxes, or may send
19 in separately, that amount, clearly designated
20 for the breast cancer awareness trust fund, the
21 individual or corporation wishes to contribute.
22 The department of revenue shall deposit such
23 amount to the trust fund as provided in
24 subsections 2 and 3 of this section. All moneys
25 credited to the trust fund shall be considered
26 nonstate funds under the provisions of Article
27 IV, Section 15 of the Missouri Constitution.

28 2. The director of revenue shall deposit
29 at least monthly all contributions designated by
30 individuals under this section to the state
31 treasurer for deposit to the trust fund.

32 3. The director of revenue shall deposit
33 at least monthly all contributions designated by
34 the corporations under this section, less an
35 amount sufficient to cover the costs of
36 collection and handling by the department of

37 revenue, to the state treasury for deposit to
38 the trust fund.

39 4. A contribution designated under this
40 section shall only be deposited in the trust
41 fund after all other claims against the refund
42 from which such contribution is to be made have
43 been satisfied.

44 5. All moneys transferred to the trust
45 fund shall be distributed by the director of
46 revenue at times the director deems appropriate
47 to the department of health and senior
48 services. Such funds shall be used solely for
49 the purpose of providing breast cancer
50 services. Notwithstanding the provisions of
51 section 33.080 to the contrary, moneys in the
52 trust fund at the end of any biennium shall not
53 be transferred to the credit of the general
54 revenue fund.

55 6. There is hereby created in the state
56 treasury the "Breast Cancer Awareness Trust
57 Fund", which shall consist of money collected
58 under this section. The state treasurer shall
59 be custodian of the fund. In accordance with
60 sections 30.170 and 30.180, the state treasurer
61 may approve disbursements.

62 7. Under section 23.253 of the Missouri
63 sunset act:

64 (1) The provisions of the new program
65 authorized under this section shall
66 automatically sunset six years after August 28,
67 2008, unless reauthorized by an act of the
68 general assembly; and

69 (2) If such program is reauthorized, the
70 program authorized under this section shall
71 automatically sunset twelve years after the
72 effective date of the reauthorization of this
73 section; and

74 (3) This section shall terminate on
75 December thirty-first of the calendar year
76 immediately following the calendar year in which
77 the program authorized under this section is
78 sunset.]

[143.1013. 1. For all taxable years beginning on or after January 1, 2011, 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 American Red Cross trust fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual or corporation wishes to contribute. Such amounts shall be clearly designated for the fund.

2. There is hereby created in the state treasury the "American Red Cross Trust Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. All moneys credited to the trust fund shall be considered nonstate funds under Section 15, Article IV, Constitution of Missouri. The treasurer shall distribute all moneys deposited in the fund at times the treasurer deems appropriate to the American Red Cross.

45 3. The director of revenue shall deposit
46 at least monthly all contributions designated by
47 individuals under this section to the state
48 treasurer for deposit to the fund. The director
49 of revenue shall deposit at least monthly all
50 contributions designated by the corporations
51 under this section, less an amount sufficient to
52 cover the costs of collection and handling by
53 the department of revenue, to the state treasury
54 for deposit to the fund. A contribution
55 designated under this section shall only be
56 deposited in the fund after all other claims
57 against the refund from which such contribution
58 is to be made have been satisfied.

59 4. Under section 23.253 of the Missouri
60 sunset act:

61 (1) The provisions of the new program
62 authorized under this section shall
63 automatically sunset on December thirty-first
64 six years after August 28, 2011, unless
65 reauthorized by an act of the general assembly;
66 and

67 (2) If such program is reauthorized, the
68 program authorized under this section shall
69 automatically sunset on December thirty-first
70 twelve years after the effective date of the
71 reauthorization of this section; and

72 (3) This section shall terminate on
73 September first of the calendar year immediately
74 following the calendar year in which the program
75 authorized under this section is sunset.]

 [143.1014. 1. For all taxable years
2 beginning on or after January 1, 2011, each
3 individual or corporation entitled to a tax
4 refund in an amount sufficient to make a
5 designation under this section may designate
6 that one dollar or any amount in excess of one
7 dollar on a single return, and two dollars or
8 any amount in excess of two dollars on a
9 combined return, of the refund due be credited
10 to the puppy protection trust fund. If any
11 individual or corporation that is not entitled
12 to a tax refund in an amount sufficient to make

13 a designation under this section wishes to make
14 a contribution to the fund, such individual or
15 corporation may, by separate check, draft, or
16 other negotiable instrument, send in with the
17 payment of taxes, or may send in separately,
18 that amount the individual or corporation wishes
19 to contribute. Such amounts shall be clearly
20 designated for the fund.

21 2. There is hereby created in the state
22 treasury the "Puppy Protection Trust Fund",
23 which shall consist of money collected under
24 this section. The state treasurer shall be
25 custodian of the fund. In accordance with
26 sections 30.170 and 30.180, the state treasurer
27 may approve disbursements. The fund shall be a
28 dedicated fund and, upon appropriation, money in
29 the fund shall be used solely for the state
30 department of agriculture's administration of
31 section 273.345. Notwithstanding the provisions
32 of section 33.080 to the contrary, any moneys
33 remaining in the fund at the end of the biennium
34 shall not revert to the credit of the general
35 revenue fund. The state treasurer shall invest
36 moneys in the fund in the same manner as other
37 funds are invested. Any interest and moneys
38 earned on such investments shall be credited to
39 the fund. All moneys credited to the trust fund
40 shall be considered nonstate funds under Section
41 15, Article IV, Constitution of Missouri. The
42 treasurer shall distribute all moneys deposited
43 in the fund at times the treasurer deems
44 appropriate to the department of agriculture.

45 3. The director of revenue shall deposit
46 at least monthly all contributions designated by
47 individuals under this section to the state
48 treasurer for deposit to the fund. The director
49 of revenue shall deposit at least monthly all
50 contributions designated by the corporations
51 under this section, less an amount sufficient to
52 cover the costs of collection and handling by
53 the department of revenue, to the state treasury
54 for deposit to the fund. A contribution
55 designated under this section shall only be
56 deposited in the fund after all other claims

57 against the refund from which such contribution
58 is to be made have been satisfied.

59 4. Under section 23.253 of the Missouri
60 sunset act:

61 (1) The provisions of the new program
62 authorized under this section shall
63 automatically sunset on December thirty-first
64 six years after August 28, 2011, unless
65 reauthorized by an act of the general assembly;
66 and

67 (2) If such program is reauthorized, the
68 program authorized under this section shall
69 automatically sunset on December thirty-first
70 twelve years after the effective date of the
71 reauthorization of this section; and

72 (3) This section shall terminate on
73 September first of the calendar year immediately
74 following the calendar year in which the program
75 authorized under this section is sunset.]

[143.1017. 1. For all taxable years
2 beginning on or after January 1, 2011, each
3 individual or corporation entitled to a tax
4 refund in an amount sufficient to make a
5 designation under this section may designate
6 that one dollar or any amount in excess of one
7 dollar on a single return, and two dollars or
8 any amount in excess of two dollars on a
9 combined return, of the refund due be credited
10 to the developmental disabilities waiting list
11 equity trust fund. If any individual or
12 corporation that is not entitled to a tax refund
13 in an amount sufficient to make a designation
14 under this section wishes to make a contribution
15 to the fund, such individual or corporation may,
16 by separate check, draft, or other negotiable
17 instrument, send in with the payment of taxes,
18 or may send in separately, that amount the
19 individual or corporation wishes to contribute.
20 Such amounts shall be clearly designated for the
21 fund.

22 2. There is hereby created in the state
23 treasury the "Developmental Disabilities Waiting
24 List Equity Trust Fund", which shall consist of

25 money collected under this section. The state
26 treasurer shall be custodian of the fund. In
27 accordance with sections 30.170 and 30.180, the
28 state treasurer may approve disbursements. The
29 fund shall be a dedicated fund and, upon
30 appropriation, money in the fund shall be used
31 solely for the administration of this section
32 and for providing community services and support
33 to people with developmental disabilities and
34 such person's families who are on the
35 developmental disabilities waiting list and are
36 eligible for but not receiving services.
37 Notwithstanding the provisions of section 33.080
38 to the contrary, any moneys remaining in the
39 fund at the end of the biennium shall not revert
40 to the credit of the general revenue fund. The
41 state treasurer shall invest moneys in the fund
42 in the same manner as other funds are invested.
43 Any interest and moneys earned on such
44 investments shall be credited to the fund. All
45 moneys credited to the trust fund shall be
46 considered nonstate funds under Section 15,
47 Article IV, Constitution of Missouri. The
48 treasurer shall distribute all moneys deposited
49 in the fund at times the treasurer deems
50 appropriate to the department of mental health.
51 The moneys in the developmental disabilities
52 waiting list equity trust fund established in
53 this subsection shall not be appropriated in
54 lieu of general state revenues.

55 3. The director of revenue shall deposit
56 at least monthly all contributions designated by
57 individuals under this section to the state
58 treasurer for deposit to the fund. The director
59 of revenue shall deposit at least monthly all
60 contributions designated by the corporations
61 under this section, less an amount sufficient to
62 cover the costs of collection and handling by
63 the department of revenue, to the state treasury
64 for deposit to the fund. A contribution
65 designated under this section shall only be
66 deposited in the fund after all other claims
67 against the refund from which such contribution
68 is to be made have been satisfied.

69 4. Under section 23.253 of the Missouri
70 sunset act:

71 (1) The provisions of the new program
72 authorized under this section shall
73 automatically sunset on December thirty-first
74 six years after August 28, 2011, unless
75 reauthorized by an act of the general assembly;
76 and

77 (2) If such program is reauthorized, the
78 program authorized under this section shall
79 automatically sunset on December thirty-first
80 twelve years after the effective date of the
81 reauthorization of this section; and

82 (3) This section shall terminate on
83 September first of the calendar year immediately
84 following the calendar year in which the program
85 authorized under this section is sunset.]

 [143.1027. 1. For all taxable years
2 beginning on or after January 1, 2014, each
3 individual or corporation entitled to a tax
4 refund in an amount sufficient to make a
5 designation under this section may designate
6 that one dollar or any amount in excess of one
7 dollar on a single return, and two dollars or
8 any amount in excess of two dollars on a
9 combined return, of the refund due be credited
10 to the Missouri National Guard Foundation fund.
11 If any individual or corporation that is not
12 entitled to a tax refund in an amount sufficient
13 to make a designation under this section wishes
14 to make a contribution to the fund, such
15 individual or corporation may, by separate
16 check, draft, or other negotiable instrument,
17 send in with the payment of taxes, or may send
18 in separately, that amount the individual or
19 corporation wishes to contribute. Such amounts
20 shall be clearly designated for the fund.

21 2. There is hereby created in the state
22 treasury the "Missouri National Guard Foundation
23 Fund", which shall consist of money collected
24 under this section. The state treasurer shall
25 be custodian of the fund. In accordance with
26 sections 30.170 and 30.180, the state treasurer

27 may approve disbursements. The fund shall be a
28 dedicated fund and, upon appropriation, money in
29 the fund shall be used solely for the
30 administration of this section. Notwithstanding
31 the provisions of section 33.080 to the
32 contrary, any moneys remaining in the fund at
33 the end of the biennium shall not revert to the
34 credit of the general revenue fund. The state
35 treasurer shall invest moneys in the fund in the
36 same manner as other funds are invested. Any
37 interest and moneys earned on such investments
38 shall be credited to the fund. The treasurer
39 shall distribute all moneys deposited in the
40 fund at least monthly to the Missouri National
41 Guard Foundation.

42 3. The director of revenue shall deposit
43 at least monthly all contributions designated by
44 individuals under this section to the state
45 treasurer for deposit to the fund. The director
46 of revenue shall deposit at least monthly all
47 contributions designated by the corporations
48 under this section, less an amount sufficient to
49 cover the costs of collection and handling by
50 the department of revenue, to the state treasury
51 for deposit to the fund. A contribution
52 designated under this section shall only be
53 deposited in the fund after all other claims
54 against the refund from which such contribution
55 is to be made have been satisfied.

56 4. Under section 23.253 of the Missouri
57 sunset act:

58 (1) The provisions of the new program
59 authorized under this section shall
60 automatically sunset on December thirty-first
61 six years after August 28, 2014, unless
62 reauthorized by an act of the general assembly;
63 and

64 (2) If such program is reauthorized, the
65 program authorized under this section shall
66 automatically sunset on December thirty-first
67 twelve years after the effective date of the
68 reauthorization of this section; and

69 (3) This section shall terminate on
70 September first of the calendar year immediately

71 following the calendar year in which the program
72 authorized under this section is sunset.]

[143.1100. 1. This section shall be known
2 and may be cited as the "Bring Jobs Home Act".

3 2. As used in this section, the following
4 terms shall mean:

5 (1) "Business unit":

6 (a) Any trade or business; and

7 (b) Any line of business or function unit
8 which is part of any trade or business;

9 (2) "Deduction":

10 (a) For individuals, an amount subtracted
11 from the taxpayer's Missouri adjusted gross
12 income to determine Missouri taxable income for
13 the tax year in which such deduction is claimed;
14 and

15 (b) For corporations, an amount subtracted
16 from the taxpayer's federal taxable income to
17 determine Missouri taxable income for the tax
18 year in which such deduction is claimed;

19 (3) "Department", the department of
20 economic development;

21 (4) "Eligible expenses":

22 (a) Any amount for which a deduction is
23 allowed to the taxpayer under Section 162 of the
24 Internal Revenue Code of 1986, as amended; and

25 (b) Permit and license fees, lease
26 brokerage fees, equipment installation costs,
27 and other similar expenses;

28 (5) "Eligible insourcing expenses":

29 (a) Eligible expenses paid or incurred by
30 the taxpayer in connection with the elimination
31 of any business unit of the taxpayer or of any
32 member of any expanded affiliated group in which
33 the taxpayer is also a member located outside
34 the state of Missouri; and

35 (b) Eligible expenses paid or incurred by
36 the taxpayer in connection with the
37 establishment of any business unit of the
38 taxpayer or of any member of any expanded
39 affiliated group in which the taxpayer is also a
40 member located within the state of Missouri if

41 such establishment constitutes the relocation of
42 the business unit so eliminated.

43 For purposes of this subdivision, expenses shall
44 be eligible if such elimination of the business
45 unit in another state or country occurs in a
46 different taxable year from the establishment of
47 the business unit in Missouri;

48 (6) "Expanded affiliated group", an
49 affiliated group as defined under Section
50 1504(a) of the Internal Revenue Code of 1986, as
51 amended, except to be determined without regard
52 to Section 1504(b)(3) of the Internal Revenue
53 Code of 1986, as amended, and determined by
54 substituting "at least eighty percent" with
55 "more than fifty percent" each place the phrase
56 appears under Section 1504(a) of the Internal
57 Revenue Code of 1986, as amended. A partnership
58 or any other entity other than a corporation
59 shall be treated as a member of an expanded
60 affiliated group if such entity is controlled by
61 members of such group including any entity
62 treated as a member of such group by reason of
63 this subdivision;

64 (7) "Full-time equivalent employee", a
65 number of employees equal to the number
66 determined by dividing the total number of hours
67 of service for which wages were paid by the
68 employer to employees during the taxable year,
69 by two thousand eighty;

70 (8) "Insourcing plan", a written plan to
71 carry out the establishment of a business unit
72 in Missouri;

73 (9) "Taxpayer", any individual, firm,
74 partner in a firm, corporation, partnership,
75 shareholder in an S corporation, or member of a
76 limited liability company subject to the income
77 tax imposed under this chapter, excluding
78 withholding tax imposed under sections 143.191
79 to 143.265.

80 3. For all taxable years beginning on or
81 after January 1, 2016, a taxpayer shall be
82 allowed a deduction equal to fifty percent of
83 the taxpayer's eligible insourcing expenses in
84 the taxable year chosen under subsection 5 of

85 this section. The amount of the deduction
86 claimed shall not exceed the amount of:

87 (1) For individuals, the taxpayer's
88 Missouri adjusted gross income for the taxable
89 year the deduction is claimed; and

90 (2) For corporations, the taxpayer's
91 Missouri taxable income for the taxable year the
92 deduction is claimed.

93 However, any amount of the deduction that cannot
94 be claimed in the taxable year may be carried
95 over to the next five succeeding taxable years
96 until the full deduction has been claimed.

97 4. No deduction shall be allowed under
98 this section until the department determines
99 that the number of full-time equivalent
100 employees of the taxpayer in the taxable year
101 the deduction is claimed exceeds the number of
102 full-time equivalent employees of the taxpayer
103 in the taxable year prior to the taxpayer
104 incurring any eligible insourcing expenses.

105 5. Only eligible insourcing expenses that
106 occur in the taxable year such expenses are paid
107 or incurred and:

108 (1) The taxpayer's insourcing plan is
109 completed; or

110 (2) The first taxable year after the
111 taxpayer's insourcing plan is completed;
112 shall be used to calculate the deduction allowed
113 under this section.

114 6. Notwithstanding any other provision of
115 law to the contrary, no deduction shall be
116 allowed for any expenses incurred due to
117 dissolving a business unit in Missouri and
118 relocating such business unit to another state.

119 7. The total amount of deductions
120 authorized under this section shall not exceed
121 five million dollars in any taxable year. In
122 the event that more than five million dollars in
123 deductions are claimed in a taxable year,
124 deductions shall be issued on a first-come,
125 first-served filing basis.

126 8. A taxpayer who receives a deduction
127 under the provisions of this section shall be
128 ineligible to receive incentives under the

129 provisions of any other state tax deduction
130 program for the same expenses incurred.

131 9. Any taxpayer allowed a deduction under
132 this section who, within ten years of receiving
133 such deduction, eliminates the business unit for
134 which the deduction was allowed shall repay the
135 amount of tax savings realized from the
136 deduction to the state, prorated by the number
137 of years the business unit was in this state.

138 10. The department of economic development
139 and the department of revenue shall promulgate
140 rules to implement the provisions of this
141 section. Any rule or portion of a rule, as that
142 term is defined in section 536.010, that is
143 created under the authority delegated in this
144 section shall become effective only if it
145 complies with and is subject to all of the
146 provisions of chapter 536 and, if applicable,
147 section 536.028. This section and chapter 536
148 are nonseverable and if any of the powers vested
149 with the general assembly pursuant to chapter
150 536 to review, to delay the effective date, or
151 to disapprove and annul a rule are subsequently
152 held unconstitutional, then the grant of
153 rulemaking authority and any rule proposed or
154 adopted after August 28, 2016, shall be invalid
155 and void.

156 11. Under section 23.253:

157 (1) The provisions of the new program
158 authorized under this section shall
159 automatically sunset six years after August 28,
160 2016, unless reauthorized by an act of the
161 general assembly; and

162 (2) If such program is reauthorized, the
163 program authorized under this section shall
164 automatically sunset twelve years after the
165 effective date of the reauthorization of this
166 section; and

167 (3) This section shall terminate on
168 September first of the calendar year immediately
169 following the calendar year in which the program
170 authorized under this section is sunset.]

2 [161.825. 1. This section shall be known
3 and may be cited as "Bryce's Law".

4 2. As used in this section, the following
5 terms mean:

6 (1) "Autism spectrum disorder", pervasive
7 developmental disorder; Asperger syndrome;
8 childhood disintegrative disorder; Rett
9 syndrome; and autism;

10 (2) "Contribution", a donation of cash,
11 stock, bonds, or other marketable securities, or
12 real property;

13 (3) "Department", the department of
14 elementary and secondary education;

15 (4) "Director", the commissioner of
16 education;

17 (5) "Dyslexia therapy", an appropriate
18 specialized dyslexia instructional program that
19 is systematic, multisensory, and research-based
20 offered in a small group setting to teach
21 students the components of reading instruction
22 including but not limited to phonemic awareness,
23 graphophonemic knowledge, morphology, semantics,
24 syntax, and pragmatics, instruction on
25 linguistic proficiency and fluency with patterns
26 of language so that words and sentences are
27 carriers of meaning, and strategies that
28 students use for decoding, encoding, word
29 recognition, fluency and comprehension delivered
30 by qualified personnel;

31 (6) "Educational scholarships", grants to
32 students or children to cover all or part of the
33 tuition and fees at a qualified nonpublic
34 school, a qualified public school, or a
35 qualified service provider, including
36 transportation;

37 (7) "Eligible child", any child from birth
38 to age five living in Missouri who has an
39 individualized family services program under the
40 first steps program, sections 160.900 to
41 160.933, and whose parent or guardian has
42 completed the complaint procedure under the
43 Individuals with Disabilities Education Act,
44 Part C, and has received an unsatisfactory
response; or any child from birth to age five

45 who has been evaluated for qualifying needs as
46 defined in this section by a person qualified to
47 perform evaluations under the first steps
48 program and has been determined to have a
49 qualifying need but who falls below the
50 threshold for eligibility by no less than twenty-
51 five percent;

52 (8) "Eligible student", any elementary or
53 secondary student who attended public school in
54 Missouri the preceding semester, or who will be
55 attending school in Missouri for the first time,
56 who has an individualized education program
57 based on a qualifying needs condition or who has
58 a medical or clinical diagnosis by a qualified
59 health professional of a qualifying needs
60 condition which in the case of dyslexia, may be
61 based on the C-TOPP assessment as an initial
62 indicator of dyslexia and confirmed by further
63 medical or clinical diagnosis;

64 (9) "Parent", includes a guardian,
65 custodian, or other person with authority to act
66 on behalf of the student or child;

67 (10) "Program", the program established in
68 this section;

69 (11) "Qualified health professional", a
70 person licensed under chapter 334 or 337 who
71 possesses credentials as described in rules
72 promulgated jointly by the department of
73 elementary and secondary education and the
74 department of mental health to make a diagnosis
75 of a student's qualifying needs for this program;

76 (12) "Qualified school", either an
77 accredited public elementary or secondary school
78 in a district that is accredited without
79 provision outside of the district in which a
80 student resides or an accredited nonpublic
81 elementary or secondary school in Missouri that
82 complies with all of the requirements of the
83 program and complies with all state laws that
84 apply to nonpublic schools regarding criminal
85 background checks for employees and excludes
86 from employment any person not permitted by
87 state law to work in a nonpublic school;

88 (13) "Qualified service provider", a
89 person or agency authorized by the department to
90 provide services under the first steps program,
91 sections 160.900 to 160.933, and in the case of
92 a provider offering dyslexia therapy, the term
93 also includes a person with national
94 certification as an academic language therapist;

95 (14) "Qualifying needs", an autism
96 spectrum disorder, Down Syndrome, Angelman
97 Syndrome, cerebral palsy, or dyslexia;

98 (15) "Scholarship granting organization",
99 a charitable organization that:

100 (a) Is exempt from federal income tax;

101 (b) Complies with the requirements of this
102 program;

103 (c) Provides education scholarships to
104 students attending qualified schools of their
105 parents' choice or to children receiving
106 services from qualified service providers; and

107 (d) Does not accept contributions on
108 behalf of any eligible student or eligible child
109 from any donor with any obligation to provide
110 any support for the eligible student or eligible
111 child.

112 3. The department of elementary and
113 secondary education shall develop a master list
114 of resources available to the parents of
115 children with an autism spectrum disorder or
116 dyslexia and shall maintain a web page for the
117 information. The department shall also actively
118 seek financial resources in the form of grants
119 and donations that may be devoted to scholarship
120 funds or to clinical trials for behavioral
121 interventions that may be undertaken by
122 qualified service providers. The department may
123 contract out or delegate these duties to a
124 nonprofit organization. Priority in referral
125 for funding shall be given to children who have
126 not yet entered elementary school.

127 4. The director shall determine, at least
128 annually, which organizations in this state may
129 be classified as scholarship granting
130 organizations. The director may require of an
131 organization seeking to be classified as a

132 scholarship granting organization whatever
133 information that is reasonably necessary to make
134 such a determination. The director shall
135 classify an organization as a scholarship
136 granting organization if such organization meets
137 the definition set forth in this section.

138 5. The director shall establish a
139 procedure by which a donor can determine if an
140 organization has been classified as a
141 scholarship granting organization. Scholarship
142 granting organizations shall be permitted to
143 decline a contribution from a donor.

144 6. Each scholarship granting organization
145 shall provide information to the director
146 concerning the identity of each donor making a
147 contribution to the scholarship granting
148 organization.

149 7. (1) The director shall annually make a
150 determination on the number of students in
151 Missouri with an individualized education
152 program based upon qualifying needs as defined
153 in this section. The director shall use ten
154 percent of this number to determine the maximum
155 number of students to receive scholarships from
156 a scholarship granting organization in that year
157 for students with qualifying needs who have at
158 the time of application an individualized
159 education program, plus a number calculated by
160 the director by applying the state's latest
161 available autism, cerebral palsy, Down Syndrome,
162 Angelman Syndrome, and dyslexia incidence rates
163 to the state's population of children from age
164 five to nineteen who are not enrolled in public
165 schools and taking ten percent of that number.
166 The total of these two calculations shall
167 constitute the maximum number of scholarships
168 available to students.

169 (2) The director shall also annually make
170 a determination on the number of children in
171 Missouri whose parent or guardian has enrolled
172 the child in first steps, received an
173 individualized family services program based on
174 qualifying needs, and filed a complaint through
175 the Individuals with Disabilities Education Act,

176 Part C, and received an unsatisfactory
177 response. In addition to this number, the
178 director shall apply the latest available
179 autism, cerebral palsy, Down Syndrome, Angelman
180 Syndrome, and dyslexia incidence rates to the
181 latest available census information for children
182 from birth to age five and determine ten percent
183 of that number for the maximum number of
184 scholarships for children.

185 (3) The director shall publicly announce
186 the number of each category of scholarship
187 opportunities available each year. Once a
188 scholarship granting organization has decided to
189 provide a student or child with a scholarship,
190 it shall promptly notify the director. The
191 director shall keep a running tally of the
192 number of scholarships granted in the order in
193 which they were reported. Once the tally
194 reaches the annual limit of scholarships for
195 eligible students or children, the director
196 shall notify all of the participating
197 scholarship granting organizations that they
198 shall not issue any more scholarships and any
199 more receipts for contributions. If the
200 scholarship granting organizations have not
201 expended all of their available scholarship
202 funds in that year at the time when the limit is
203 reached, the available scholarship funds may be
204 carried over into the next year. These
205 unexpended funds shall not be counted as part of
206 the requirement in subdivision (3) of subsection
207 8 of this section for that year. Any receipt
208 for a scholarship contribution issued by a
209 scholarship granting organization before the
210 director has publicly announced the student or
211 child limit has been reached shall be valid.
212 Beginning with school year 2016-17, the director
213 may adjust the allocation of the proportion of
214 scholarships using information on unmet need and
215 use patterns from the previous school years.
216 The director shall provide notice of the change
217 to the state board of education for its approval.

218 8. Each scholarship granting organization
219 participating in the program shall:

220 (1) Notify the department of its intent to
221 provide educational scholarships to students
222 attending qualified schools or children
223 receiving services from qualified service
224 providers;

225 (2) Provide a department-approved receipt
226 to donors for contributions made to the
227 organization;

228 (3) Ensure that at least ninety percent of
229 its revenue from donations is spent on
230 educational scholarships, and that all revenue
231 from interest or investments is spent on
232 educational scholarships;

233 (4) Ensure that the scholarships provided
234 do not exceed an average of twenty thousand
235 dollars per eligible child or fifty thousand
236 dollars per eligible student;

237 (5) Inform the parent or guardian of the
238 student or child applying for a scholarship that
239 accepting the scholarship is tantamount to a
240 parentally placed private school student
241 pursuant to 34 CFR 300.130 and, thus, neither
242 the department nor any Missouri public school is
243 responsible to provide the student with a free
244 appropriate public education pursuant to the
245 Individuals with Disabilities Education Act or
246 Section 504 of the Rehabilitation Act of 1973;

247 (6) Distribute periodic scholarship
248 payments as checks made out to a student's or
249 child's parent and mailed to the qualified
250 school where the student is enrolled or
251 qualified service provider used by the child.
252 The parent or guardian shall endorse the check
253 before it can be deposited;

254 (7) Cooperate with the department to
255 conduct criminal background checks on all of its
256 employees and board members and exclude from
257 employment or governance any individual who
258 might reasonably pose a risk to the appropriate
259 use of contributed funds;

260 (8) Ensure that scholarships are portable
261 during the school year and can be used at any
262 qualified school that accepts the eligible
263 student or at a different qualified service

264 provider for an eligible child according to a
265 parent's wishes. If a student moves to a new
266 qualified school during a school year or to a
267 different qualified service provider for an
268 eligible child, the scholarship amount may be
269 prorated;

270 (9) Demonstrate its financial
271 accountability by:

272 (a) Submitting a financial information
273 report for the organization that complies with
274 uniform financial accounting standards
275 established by the department and conducted by a
276 certified public accountant; and

277 (b) Having the auditor certify that the
278 report is free of material misstatements;

279 (10) Demonstrate its financial viability,
280 if the organization is to receive donations of
281 fifty thousand dollars or more during the school
282 year, by filing with the department before the
283 start of the school year:

284 (a) A surety bond payable to the state in
285 an amount equal to the aggregate amount of
286 contributions expected to be received during the
287 school year; or

288 (b) Financial information that
289 demonstrates the financial viability of the
290 scholarship granting organization.

291 9. Each scholarship granting organization
292 shall ensure that each participating school or
293 service provider that accepts its scholarship
294 students or children shall:

295 (1) Comply with all health and safety laws
296 or codes that apply to nonpublic schools or
297 service providers;

298 (2) Hold a valid occupancy permit if
299 required by its municipality;

300 (3) Certify that it will comply with 42
301 U.S.C. Section 1981, as amended;

302 (4) Provide academic accountability to
303 parents of the students or children in the
304 program by regularly reporting to the parent on
305 the student's or child's progress;

306 (5) Certify that in providing any
307 educational services or behavior strategies to a

308 scholarship recipient with a medical or clinical
309 diagnosis of or an individualized education
310 program based upon autism spectrum disorder it
311 will:

312 (a) Adhere to the best practices
313 recommendations of the Missouri Autism
314 Guidelines Initiative or document why it is
315 varying from the guidelines;

316 (b) Not use any evidence-based
317 interventions that have been found ineffective
318 by the Centers for Medicare and Medicaid
319 Services as described in the Missouri Autism
320 Guidelines Initiative guide to evidence-based
321 interventions; and

322 (c) Provide documentation in the student's
323 or child's record of the rationale for the use
324 of any intervention that is categorized as
325 unestablished, insufficient evidence, or level 3
326 by the Missouri Autism Guidelines Initiative
327 guide to evidence-based interventions; and

328 (6) Certify that in providing any
329 educational services or behavior strategies to a
330 scholarship recipient with a medical or clinical
331 diagnosis of, or an individualized family
332 services program based upon Down Syndrome,
333 Angelman Syndrome, cerebral palsy, or dyslexia,
334 it will use student, teacher, teaching, and
335 school influences that rank in the zone of
336 desired effects in the meta-analysis of John
337 Hattie, or equivalent analyses as determined by
338 the department, or document why it is using a
339 method that has not been determined by analysis
340 to rank in the zone of desired effects.

341 10. Scholarship granting organizations
342 shall not provide educational scholarships for
343 students to attend any school or children to
344 receive services from any qualified service
345 provider with paid staff or board members who
346 are relatives within the first degree of
347 consanguinity or affinity.

348 11. A scholarship granting organization
349 shall publicly report to the department, by June
350 first of each year, the following information
351 prepared by a certified public accountant

352 regarding its grants in the previous calendar
353 year:

354 (1) The name and address of the
355 scholarship granting organization;

356 (2) The total number and total dollar
357 amount of contributions received during the
358 previous calendar year; and

359 (3) The total number and total dollar
360 amount of educational scholarships awarded
361 during the previous calendar year, including the
362 category of each scholarship, and the total
363 number and total dollar amount of educational
364 scholarships awarded during the previous year to
365 students eligible for free and reduced lunch.

366 12. The department shall adopt rules and
367 regulations consistent with this section as
368 necessary to implement the program.

369 13. The department shall provide a
370 standardized format for a receipt to be issued
371 by a scholarship granting organization to a
372 donor to indicate the value of a contribution
373 received.

374 14. The department shall provide a
375 standardized format for scholarship granting
376 organizations to report the information in this
377 section.

378 15. The department may conduct either a
379 financial review or audit of a scholarship
380 granting organization.

381 16. If the department believes that a
382 scholarship granting organization has
383 intentionally and substantially failed to comply
384 with the requirements of this section, the
385 department may hold a hearing before the
386 director or the director's designee to bar a
387 scholarship granting organization from
388 participating in the program. The director or
389 the director's designee shall issue a decision
390 within thirty days. A scholarship granting
391 organization may appeal the director's decision
392 to the administrative hearing commission for a
393 hearing in accordance with the provisions of
394 chapter 621.

395 17. If the scholarship granting
396 organization is barred from participating in the
397 program, the department shall notify affected
398 scholarship students or children and their
399 parents of this decision within fifteen days.

400 18. Any rule or portion of a rule, as that
401 term is defined in section 536.010, that is
402 created under the authority delegated in this
403 section shall become effective only if it
404 complies with and is subject to all of the
405 provisions of chapter 536 and, if applicable,
406 section 536.028. This section and chapter 536
407 are nonseverable and if any of the powers vested
408 with the general assembly pursuant to chapter
409 536 to review, to delay the effective date, or
410 to disapprove and annul a rule are subsequently
411 held unconstitutional, then the grant of
412 rulemaking authority and any rule proposed or
413 adopted after August 28, 2013, shall be invalid
414 and void.

415 19. The department shall conduct a study
416 of the program with funds other than state
417 funds. The department may contract with one or
418 more qualified researchers who have previous
419 experience evaluating similar programs. The
420 department may accept grants to assist in
421 funding this study.

422 20. The study shall assess:

423 (1) The level of participating students'
424 and children's satisfaction with the program in
425 a manner suitable to the student or child;

426 (2) The level of parental satisfaction
427 with the program;

428 (3) The percentage of participating
429 students who were bullied or harassed because of
430 their special needs status at their resident
431 school district compared to the percentage so
432 bullied or harassed at their qualified school;

433 (4) The percentage of participating
434 students who exhibited behavioral problems at
435 their resident school district compared to the
436 percentage exhibiting behavioral problems at
437 their qualified school;

438 (5) The class size experienced by
439 participating students at their resident school
440 district and at their qualified school; and

441 (6) The fiscal impact to the state and
442 resident school districts of the program.

443 21. The study shall be completed using
444 appropriate analytical and behavioral sciences
445 methodologies to ensure public confidence in the
446 study.

447 22. The department shall provide the
448 general assembly with a final copy of the
449 evaluation of the program by December 31, 2016.

450 23. The public and nonpublic participating
451 schools and service providers from which
452 students transfer to participate in the program
453 shall cooperate with the research effort by
454 providing student or child assessment instrument
455 scores and any other data necessary to complete
456 this study.

457 24. The general assembly may require
458 periodic updates on the status of the study from
459 the department. The individuals completing the
460 study shall make their data and methodology
461 available for public review while complying with
462 the requirements of the Family Educational
463 Rights and Privacy Act, as amended.

464 25. Under section 23.253 of the Missouri
465 sunset act:

466 (1) The provisions of the new program
467 authorized under this section shall sunset
468 automatically on December 31, 2019, unless
469 reauthorized by an act of the general assembly;
470 and

471 (2) If such program is reauthorized, the
472 program authorized under this section shall
473 sunset automatically on December 31, 2031; and

474 (3) This section shall terminate on
475 December thirty-first of the calendar year
476 immediately following the calendar year in which
477 the program authorized under this section is
478 sunset.]

2 [161.1055. 1. Subject to appropriations,
the department of elementary and secondary

3 education shall establish the "Trauma-Informed
4 Schools Pilot Program".

5 2. Under the trauma-informed schools pilot
6 program, the department of elementary and
7 secondary education shall choose five schools to
8 receive intensive training on the trauma-
9 informed approach.

10 3. The five schools chosen for the pilot
11 program shall be located in the following areas:

12 (1) One public school located in a
13 metropolitan school district;

14 (2) One public school located in a home
15 rule city with more than four hundred thousand
16 inhabitants and located in more than one county;

17 (3) One public school located in a school
18 district that has most or all of its land area
19 located in a county with a charter form of
20 government and with more than nine hundred fifty
21 thousand inhabitants;

22 (4) One public school located in a school
23 district that has most or all of its land area
24 located in a county with a charter form of
25 government and with more than six hundred
26 thousand but fewer than seven hundred thousand
27 inhabitants; and

28 (5) One public school located in any one
29 of the following counties:

30 (a) A county of the third classification
31 without a township form of government and with
32 more than forty-one thousand but fewer than
33 forty-five thousand inhabitants;

34 (b) A county of the third classification
35 without a township form of government and with
36 more than six thousand but fewer than seven
37 thousand inhabitants and with a city of the
38 fourth classification with more than eight
39 hundred but fewer than nine hundred inhabitants
40 as the county seat;

41 (c) A county of the third classification
42 with a township form of government and with more
43 than thirty-one thousand but fewer than thirty-
44 five thousand inhabitants;

45 (d) A county of the third classification
46 without a township form of government and with

47 more than fourteen thousand but fewer than
48 sixteen thousand inhabitants and with a city of
49 the third classification with more than five
50 thousand but fewer than six thousand inhabitants
51 as the county seat;

52 (e) A county of the third classification
53 without a township form of government and with
54 more than eighteen thousand but fewer than
55 twenty thousand inhabitants and with a city of
56 the fourth classification with more than three
57 thousand but fewer than three thousand seven
58 hundred inhabitants as the county seat;

59 (f) A county of the third classification
60 without a township form of government and with
61 more than eighteen thousand but fewer than
62 twenty thousand inhabitants and with a city of
63 the third classification with more than six
64 thousand but fewer than seven thousand
65 inhabitants as the county seat;

66 (g) A county of the third classification
67 without a township form of government and with
68 more than fourteen thousand but fewer than
69 sixteen thousand inhabitants and with a city of
70 the fourth classification with more than one
71 thousand nine hundred but fewer than two
72 thousand one hundred inhabitants as the county
73 seat;

74 (h) A county of the third classification
75 without a township form of government and with
76 more than thirty-seven thousand but fewer than
77 forty-one thousand inhabitants and with a city
78 of the fourth classification with more than
79 eight hundred but fewer than nine hundred
80 inhabitants as the county seat;

81 (i) A county of the third classification
82 with a township form of government and with more
83 than twenty-eight thousand but fewer than thirty-
84 one thousand inhabitants; or

85 (j) A county of the third classification
86 without a township form of government and with
87 more than twelve thousand but fewer than
88 fourteen thousand inhabitants and with a city of
89 the fourth classification with more than five

90 hundred but fewer than five hundred fifty
91 inhabitants as the county seat.

92 4. The department of elementary and
93 secondary education shall:

94 (1) Train the teachers and administrators
95 of the five schools chosen for the pilot program
96 regarding the trauma-informed approach and how
97 to become trauma-informed schools;

98 (2) Provide the five schools with funds to
99 implement the trauma-informed approach; and

100 (3) Closely monitor the progress of the
101 five schools in becoming trauma-informed schools
102 and provide further assistance if necessary.

103 5. The department of elementary and
104 secondary education shall terminate the trauma-
105 informed schools pilot program on August 28,
106 2019. Before December 31, 2019, the department
107 of elementary and secondary education shall
108 submit a report to the general assembly that
109 contains the results of the pilot program,
110 including any benefits experienced by the five
111 schools chosen for the program.

112 6. (1) There is hereby created in the
113 state treasury the "Trauma-Informed Schools
114 Pilot Program Fund". The fund shall consist of
115 any appropriations to such fund. The state
116 treasurer shall be custodian of the fund. In
117 accordance with sections 30.170 and 30.180, the
118 state treasurer may approve disbursements of
119 public moneys in accordance with distribution
120 requirements and procedures developed by the
121 department of elementary and secondary
122 education. The fund shall be a dedicated fund
123 and, upon appropriation, moneys in the fund
124 shall be used solely for the administration of
125 this section.

126 (2) Notwithstanding the provisions of
127 section 33.080 to the contrary, any moneys
128 remaining in the fund at the end of the biennium
129 shall not revert to the credit of the general
130 revenue fund.

131 (3) The state treasurer shall invest
132 moneys in the fund in the same manner as other
133 funds are invested. Any interest and moneys

134 earned on such investments shall be credited to
135 the fund.

136 7. For purposes of this section, the
137 following terms mean:

138 (1) "Trauma-informed approach", an
139 approach that involves understanding and
140 responding to the symptoms of chronic
141 interpersonal trauma and traumatic stress across
142 the lifespan;

143 (2) "Trauma-informed school", a school
144 that:

145 (a) Realizes the widespread impact of
146 trauma and understands potential paths for
147 recovery;

148 (b) Recognizes the signs and symptoms of
149 trauma in students, teachers, and staff;

150 (c) Responds by fully integrating
151 knowledge about trauma into its policies,
152 procedures, and practices; and

153 (d) Seeks to actively resist
154 retraumatization.

155 8. The provisions of this section shall
156 expire December 31, 2019.]

2 [167.910. 1. There is hereby established
3 the "Career Readiness Course Task Force" to
4 explore the possibility of a course covering the
5 topics described in this section being offered
6 in the public schools to students in eighth
7 grade or ninth grade. Task force members shall
8 be chosen to represent the geographic diversity
9 of the state. All task force members shall be
10 appointed before October 31, 2018. The task
11 force members shall be appointed as follows:

12 (1) A parent of a student attending
13 elementary school, appointed by the joint
14 committee on education;

15 (2) A parent of a student attending a
16 grade not lower than the sixth nor higher than
17 the eighth grade, appointed by the joint
18 committee on education;

19 (3) A parent of a student attending high
20 school, appointed by the joint committee on
education;

21 (4) An elementary education professional
22 from an accredited school district, appointed by
23 the joint committee on education from names
24 submitted by statewide education employee
25 organizations;

26 (5) Two education professionals giving
27 instruction in a grade or grades not lower than
28 the sixth nor higher than the eighth grade in
29 accredited school districts, appointed by the
30 joint committee on education from names
31 submitted by statewide education employee
32 organizations;

33 (6) Two secondary education professionals
34 from accredited school districts, appointed by
35 the joint committee on education from names
36 submitted by statewide education employee
37 organizations;

38 (7) A career and technical education
39 professional who has experience serving as an
40 advisor to a statewide career and technical
41 education organization, appointed by a statewide
42 career and technical education organization;

43 (8) An education professional from an
44 accredited technical high school, appointed by a
45 statewide career and technical education
46 organization;

47 (9) A public school board member,
48 appointed by a statewide association of school
49 boards;

50 (10) A secondary school principal,
51 appointed by a statewide association of
52 secondary school principals;

53 (11) A principal of a school giving
54 instruction in a grade or grades not lower than
55 the sixth nor higher than the eighth grade,
56 appointed by a statewide association of
57 secondary school principals;

58 (12) An elementary school counselor,
59 appointed by a statewide association of school
60 counselors;

61 (13) Two school counselors from a school
62 giving instruction in a grade or grades not
63 lower than the sixth nor higher than the eighth

64 grade, appointed by a statewide association of
65 school counselors;

66 (14) A secondary school counselor,
67 appointed by a statewide association of school
68 counselors;

69 (15) A secondary school career and college
70 counselor, appointed by a statewide association
71 of school counselors;

72 (16) An apprenticeship professional,
73 appointed by the division of workforce
74 development of economic development;

75 (17) A representative of Missouri Project
76 Lead the Way, appointed by the statewide Project
77 Lead the Way organization;

78 (18) A representative of the state
79 technical college, appointed by the state
80 technical college;

81 (19) A representative of a public
82 community college, appointed by a statewide
83 organization of community colleges; and

84 (20) A representative of a public four-
85 year institution of higher education, appointed
86 by the commissioner of higher education.

87 2. The members of the task force
88 established under subsection 1 of this section
89 shall elect a chair from among the membership of
90 the task force. The task force shall meet as
91 needed to complete its consideration of the
92 course described in subsection 5 of this section
93 and provide its findings and recommendations as
94 described in subsection 6 of this section.
95 Members of the task force shall serve without
96 compensation. No school district policy or
97 administrative action shall require any
98 education employee member to use personal leave
99 or incur a reduction in pay for participating on
100 the task force.

101 3. The task force shall hold at least
102 three public hearings to provide an opportunity
103 to receive public testimony including, but not
104 limited to, testimony from educators, local
105 school boards, parents, representatives from
106 business and industry, labor and community

107 leaders, members of the general assembly, and
108 the general public.

109 4. The department of elementary and
110 secondary education shall provide such legal,
111 research, clerical, and technical services as
112 the task force may require in the performance of
113 its duties.

114 5. The task force established under
115 subsection 1 of this section shall consider a
116 course that:

117 (1) Gives students an opportunity to
118 explore various career and educational
119 opportunities by:

120 (a) Administering career surveys to
121 students and helping students use Missouri
122 Connections to determine their career interests
123 and develop plans to meet their career goals;

124 (b) Explaining the differences between
125 types of colleges, including two-year and four-
126 year colleges and noting the availability of
127 registered apprenticeship programs as
128 alternatives to college for students;

129 (c) Describing technical degrees offered
130 by colleges;

131 (d) Explaining the courses and educational
132 experiences offered at community colleges;

133 (e) Describing the various certificates
134 and credentials available to earn at the school
135 or other schools including, but not limited to,
136 career and technical education certificates
137 described under section 170.029 and industry-
138 recognized certificates and credentials;

139 (f) Advising students of any advanced
140 placement courses that they may take at the
141 school;

142 (g) Describing any opportunities at the
143 school for dual enrollment;

144 (h) Advising students of any Project Lead
145 the Way courses offered at the school and
146 explaining how Project Lead the Way courses help
147 students learn valuable skills;

148 (i) Informing students of the availability
149 of funding for postsecondary education through

150 the A+ schools program described under section
151 160.545;

152 (j) Describing the availability of virtual
153 courses;

154 (k) Describing the types of skills and
155 occupations most in demand in the current job
156 market and those skills and occupations likely
157 to be in high demand in future years;

158 (l) Describing the typical salaries for
159 occupations, salary trends, and opportunities
160 for advancement in various occupations;

161 (m) Emphasizing the opportunities
162 available in careers involving science,
163 technology, engineering, and math;

164 (n) Advising students of the resources
165 offered by workforce or job centers;

166 (o) Preparing students for the ACT
167 assessment or the ACT WorkKeys assessments
168 required for the National Career Readiness
169 Certificate;

170 (p) Administering a practice ACT
171 assessment or practice ACT WorkKeys assessments
172 required for the National Career Readiness
173 Certificate to students;

174 (q) Advising students of opportunities to
175 take the SAT and the Armed Services Vocational
176 Aptitude Battery;

177 (r) Administering a basic math test to
178 students so that they can assess their math
179 skills;

180 (s) Administering a basic writing test to
181 students so that they can assess their writing
182 skills;

183 (t) Helping each student prepare a
184 personal plan of study that outlines a sequence
185 of courses and experiences that concludes with
186 the student reaching his or her postsecondary
187 goals; and

188 (u) Explaining how to complete college
189 applications and the Free Application for
190 Federal Student Aid;

191 (2) Focuses on career readiness and
192 emphasizes the importance of work ethic,

193 communication, collaboration, critical thinking,
194 and creativity;

195 (3) Demonstrates that graduation from a
196 four-year college is not the only pathway to
197 success by describing to students at least
198 sixteen pathways to success in detail and
199 including guest visitors who represent each
200 pathway described. In exploring how these
201 pathways could be covered in the course, the
202 task force shall consider how instructors for
203 the course may be able to rely on assistance
204 from Missouri's career pathways within the
205 department of elementary and secondary education;

206 (4) Provides student loan counseling; and

207 (5) May include parent-student meetings.

208 6. Before December 1, 2019, the task force
209 established under subsection 1 of this section
210 shall present its findings and recommendations
211 to the speaker of the house of representatives,
212 the president pro tempore of the senate, the
213 joint committee on education, and the state
214 board of education. Upon presenting the
215 findings and recommendations as described in
216 this subsection, the task force shall dissolve.]

[167.910. 1. There is hereby established
2 the "Career Readiness Course Task Force" to
3 explore the possibility of a course covering the
4 topics described in this section being offered
5 in the public schools to students in eighth
6 grade or ninth grade. Task force members shall
7 be chosen to represent the geographic diversity
8 of the state. All task force members shall be
9 appointed before October 31, 2018. The task
10 force members shall be appointed as follows:

11 (1) A parent of a student attending
12 elementary school, appointed by a statewide
13 association of parents and teachers;

14 (2) A parent of a student attending a
15 grade not lower than the sixth nor higher than
16 the eighth grade, appointed by a statewide
17 association of parents and teachers;

18 (3) A parent of a student attending high
19 school, appointed by a statewide association of
20 parents and teachers;

21 (4) An elementary education professional
22 from an accredited school district, appointed by
23 agreement among the Missouri State Teachers
24 Association, the Missouri National Education
25 Association, and the American Federation of
26 Teachers of Missouri;

27 (5) An education professional giving
28 instruction in a grade or grades not lower than
29 the sixth nor higher than the eighth grade in an
30 accredited school district, appointed by
31 agreement among the Missouri State Teachers
32 Association, the Missouri National Education
33 Association, and the American Federation of
34 Teachers of Missouri;

35 (6) A secondary education professional
36 from an accredited school district, appointed by
37 agreement among the Missouri State Teachers
38 Association, the Missouri National Education
39 Association, and the American Federation of
40 Teachers of Missouri;

41 (7) A career and technical education
42 professional who has experience serving as an
43 advisor to a statewide career and technical
44 education organization, appointed by a statewide
45 career and technical education organization;

46 (8) An education professional from an
47 accredited technical high school, appointed by a
48 statewide career and technical education
49 organization;

50 (9) A public school board member,
51 appointed by a statewide association of school
52 boards;

53 (10) A secondary school principal,
54 appointed by a statewide association of
55 secondary school principals;

56 (11) A principal of a school giving
57 instruction in a grade or grades not lower than
58 the sixth nor higher than the eighth grade,
59 appointed by a statewide association of
60 secondary school principals;

61 (12) An elementary school counselor,
62 appointed by a statewide association of school
63 counselors;

64 (13) A school counselor from a school
65 giving instruction in a grade or grades not
66 lower than the sixth nor higher than the eighth
67 grade, appointed by a statewide association of
68 school counselors;

69 (14) A secondary school counselor,
70 appointed by a statewide association of school
71 counselors;

72 (15) A secondary school career and college
73 counselor, appointed by a statewide association
74 of school counselors;

75 (16) An apprenticeship professional,
76 appointed by the division of workforce
77 development of the department of economic
78 development;

79 (17) A representative of Missouri Project
80 Lead the Way, appointed by the statewide Project
81 Lead the Way organization;

82 (18) A representative of the State
83 Technical College of Missouri, appointed by the
84 State Technical College of Missouri;

85 (19) A representative of a public
86 community college, appointed by a statewide
87 organization of community colleges; and

88 (20) A representative of a public four-
89 year institution of higher education, appointed
90 by the commissioner of higher education.

91 2. The members of the task force
92 established under subsection 1 of this section
93 shall elect a chair from among the membership of
94 the task force. The task force shall meet as
95 needed to complete its consideration of the
96 course described in subsection 5 of this section
97 and provide its findings and recommendations as
98 described in subsection 6 of this section.
99 Members of the task force shall serve without
100 compensation. No school district policy or
101 administrative action shall require any
102 education employee member to use personal leave
103 or incur a reduction in pay for participating on
104 the task force.

105 3. The task force shall hold at least
106 three public hearings to provide an opportunity
107 to receive public testimony including, but not
108 limited to, testimony from educators, local
109 school boards, parents, representatives from
110 business and industry, labor and community
111 leaders, members of the general assembly, and
112 the general public.

113 4. The department of elementary and
114 secondary education shall provide such legal,
115 research, clerical, and technical services as
116 the task force may require in the performance of
117 its duties.

118 5. The task force established under
119 subsection 1 of this section shall consider a
120 course that:

121 (1) Gives students an opportunity to
122 explore various career and educational
123 opportunities by:

124 (a) Administering career surveys to
125 students and helping students use Missouri
126 Connections to determine their career interests
127 and develop plans to meet their career goals;

128 (b) Explaining the differences between
129 types of colleges, including two-year and four-
130 year colleges, and noting the availability of
131 registered apprenticeship programs as
132 alternatives to college for students;

133 (c) Describing technical degrees offered
134 by colleges;

135 (d) Explaining the courses and educational
136 experiences offered at community colleges;

137 (e) Describing the various certificates
138 and credentials available to earn at the school
139 or other schools including, but not limited to,
140 career and technical education certificates
141 described under section 170.029 and industry-
142 recognized certificates and credentials;

143 (f) Advising students of any advanced
144 placement courses that they may take at the
145 school;

146 (g) Describing any opportunities at the
147 school for dual enrollment;

148 (h) Advising students of any Project Lead
149 the Way courses offered at the school and
150 explaining how Project Lead the Way courses help
151 students learn valuable skills;

152 (i) Informing students of the availability
153 of funding for postsecondary education through
154 the A+ schools program described under section
155 160.545;

156 (j) Describing the availability of virtual
157 courses;

158 (k) Describing the types of skills and
159 occupations most in demand in the current job
160 market and those skills and occupations likely
161 to be in high demand in future years;

162 (l) Describing the typical salaries for
163 occupations, salary trends, and opportunities
164 for advancement in various occupations;

165 (m) Emphasizing the opportunities
166 available in careers involving science,
167 technology, engineering, and math;

168 (n) Advising students of the resources
169 offered by workforce or job centers;

170 (o) Preparing students for the ACT
171 assessment or the ACT WorkKeys assessments
172 required for the National Career Readiness
173 Certificate;

174 (p) Administering a practice ACT
175 assessment or practice ACT WorkKeys assessments
176 required for the National Career Readiness
177 Certificate to students;

178 (q) Advising students of opportunities to
179 take the SAT and the Armed Services Vocational
180 Aptitude Battery;

181 (r) Administering a basic math test to
182 students so that they can assess their math
183 skills;

184 (s) Administering a basic writing test to
185 students so that they can assess their writing
186 skills;

187 (t) Helping each student prepare a
188 personal plan of study that outlines a sequence
189 of courses and experiences that concludes with
190 the student reaching his or her postsecondary
191 goals; and

192 (u) Explaining how to complete college
193 applications and the Free Application for
194 Federal Student Aid;

195 (2) Focuses on career readiness and
196 emphasizes the importance of work ethic,
197 communication, collaboration, critical thinking,
198 and creativity;

199 (3) Demonstrates that graduation from a
200 four-year college is not the only pathway to
201 success by describing to students at least
202 sixteen pathways to success in detail and
203 including guest visitors who represent each
204 pathway described. In exploring how these
205 pathways could be covered in the course, the
206 task force shall consider how instructors for
207 the course may be able to rely on assistance
208 from Missouri Career Pathways within the
209 department of elementary and secondary education;

210 (4) Provides student loan counseling; and
211 (5) May include parent-student meetings.

212 6. Before December 1, 2019, the task force
213 established under subsection 1 of this section
214 shall present its findings and recommendations
215 to the speaker of the house of representatives,
216 the president pro tempore of the senate, the
217 joint committee on education, and the state
218 board of education. Upon presenting the
219 findings and recommendations as described in
220 this subsection, the task force shall dissolve.]

2 [171.034. Any school district that is
3 eligible to reduce its requirement to make up
4 days pursuant to subsection 3 of section 171.033
5 may provide food service on a summer school food
6 service basis if it resumes school with double
sessions.]

2 [172.287. 1. The University of Missouri
3 shall annually request an appropriation under
4 capital improvements, subject to availability of
5 funds, for a program of grants established for
6 the engineering colleges of the University of
7 Missouri for the purpose of assisting such
8 colleges in the purchase of teaching and
research laboratory equipment exclusive of

9 laboratory or classroom furniture. The amount
10 granted for each engineering college may not
11 exceed the lesser of an amount equal to one
12 thousand two hundred dollars per each such
13 bachelor's degree awarded in the previous fiscal
14 year in all engineering programs currently
15 accredited by the accreditation board for
16 engineering and technology, or the dollar value
17 of new funds for equipment purchase which such
18 colleges may obtain from sources other than
19 state appropriations for laboratory equipment.

20 2. For purposes of this section, the fair
21 market value of in-kind contributions of
22 laboratory equipment to the colleges may be
23 included as funds for equipment purchase from
24 sources other than state appropriations. In the
25 event that new funds for laboratory equipment
26 purchase obtained by any college of engineering
27 from such nonstate sources exceed the amount
28 necessary to reach the maximum dollar limits
29 herein specified, such excess amounts will be
30 carried over to the following fiscal year and
31 considered the same as that year's new equipment
32 funds from nonstate sources.

33 3. In the event that the appropriations
34 for this grant program are insufficient to fund
35 all grants approved for a given fiscal year, all
36 such grants shall be reduced pro rata as
37 necessary.

38 4. The provisions of this section shall
39 terminate on June 30, 2017.]

[173.196. 1. Any business firm, as
2 defined in section 32.105, may make a donation
3 to the "Missouri Higher Education Scholarship
4 Donation Fund", which is hereby created in the
5 state treasury. A donating business firm shall
6 receive a tax credit as provided in this section
7 equal to fifty percent of the amount of the
8 donation, except that tax credits shall be
9 awarded each fiscal year in the order donations
10 are received and the amount of tax credits
11 authorized shall total no more than two hundred
12 and fifty thousand dollars for each fiscal year.

13 2. The department of revenue shall grant
14 tax credits approved under this section which
15 shall be applied in the order specified in
16 subsection 1 of section 32.115 until used. The
17 tax credits provided under this section shall be
18 refundable, and any tax credit not used in the
19 fiscal year in which approved may be carried
20 over the next five succeeding calendar or fiscal
21 years until the full credit has been claimed.
22 Notwithstanding any other law to the contrary,
23 any tax credits granted under this section may
24 be assigned, transferred, sold, or otherwise
25 conveyed without consent or approval. Such
26 taxpayer, hereinafter the assignor for purposes
27 of this section, may sell, assign, exchange, or
28 otherwise transfer earned tax credits:

29 (1) For no less than seventy-five percent
30 of the par value of such credits; and

31 (2) In an amount not to exceed one hundred
32 percent of annual earned credits.

33 3. No tax credit authorized under this
34 section may be applied against any tax applied
35 in a tax year beginning prior to January 1, 1995.

36 4. All revenues credited to the fund shall
37 be used, subject to appropriations, to provide
38 scholarships authorized under sections 173.197
39 to 173.199, and for no other purpose.

40 5. For all tax years beginning on or after
41 January 1, 2005, no tax credits shall be
42 authorized, awarded, or issued to any person or
43 entity claiming any tax credit under this
44 section.]

 [173.236. 1. As used in this section,
2 unless the context clearly requires otherwise,
3 the following terms mean:

4 (1) "Board", the coordinating board for
5 higher education;

6 (2) "Grant", the Vietnam veteran's
7 survivors grant as established in this section;

8 (3) "Institution of postsecondary
9 education", any approved public or private
10 institution as defined in section 173.205;

- 11 (4) "Survivor", a child or spouse of a
12 Vietnam veteran as defined in this section;
- 13 (5) "Tuition", any tuition or incidental
14 fee or both charged by an institution of
15 postsecondary education, as defined in this
16 section, for attendance at the institution by a
17 student as a resident of this state;
- 18 (6) "Vietnam veteran", a person who served
19 in the military in Vietnam or the war zone in
20 Southeast Asia and to whom the following
21 criteria shall apply:
- 22 (a) The veteran was a Missouri resident
23 when first entering the military service and at
24 the time of death;
- 25 (b) The veteran's death was attributable
26 to illness that could possibly be a result of
27 exposure to toxic chemicals during the Vietnam
28 Conflict; and
- 29 (c) The veteran served in the Vietnam
30 theater between 1961 and 1972.
- 31 2. Within the limits of the amounts
32 appropriated therefor, the coordinating board
33 for higher education shall award annually up to
34 twelve grants to survivors of Vietnam veterans
35 to attend institutions of postsecondary
36 education in this state. If the waiting list of
37 eligible survivors exceeds fifty, the
38 coordinating board may petition the general
39 assembly to expand the quota. If the quota is
40 not expanded the eligibility of survivors on the
41 waiting list shall be extended.
- 42 3. A survivor may receive a grant pursuant
43 to this section only so long as the survivor is
44 enrolled in a program leading to a certificate,
45 or an associate or baccalaureate degree. In no
46 event shall a survivor receive a grant beyond
47 the completion of the first baccalaureate
48 degree, regardless of age. No survivor shall
49 receive more than one hundred percent of tuition
50 when combined with similar funds made available
51 to such survivor.
- 52 4. The coordinating board for higher
53 education shall:

- 54 (1) Promulgate all necessary rules and
55 regulations for the implementation of this
56 section;
- 57 (2) Determine minimum standards of
58 performance in order for a survivor to remain
59 eligible to receive a grant under this program;
- 60 (3) Make available on behalf of a survivor
61 an amount toward the survivor's tuition which is
62 equal to the grant to which the survivor is
63 entitled under the provisions of this section;
- 64 (4) Provide the forms and determine the
65 procedures necessary for a survivor to apply for
66 and receive a grant under this program.
- 67 5. In order to be eligible to receive a
68 grant pursuant to this section, a survivor shall
69 be certified as eligible by a Missouri state
70 veterans service officer. Such certification
71 shall be made upon qualified medical
72 certification by a Veterans Administration
73 medical authority that exposure to toxic
74 chemicals contributed to or was the cause of
75 death of the veteran, as defined in subsection 1
76 of this section.
- 77 6. A survivor who is enrolled or has been
78 accepted for enrollment as an undergraduate
79 postsecondary student at an approved institution
80 of postsecondary education shall receive a grant
81 in an amount not to exceed the least of the
82 following:
- 83 (1) The actual tuition, as defined in this
84 section, charged at an approved institution
85 where the child is enrolled or accepted for
86 enrollment; or
- 87 (2) The average amount of tuition charged
88 a Missouri resident at the institutions
89 identified in section 174.020 for attendance as
90 a full-time student, as defined in section
91 173.205.
- 92 7. A survivor who is a recipient of a
93 grant may transfer from one approved public or
94 private institution of postsecondary education
95 to another without losing his entitlement under
96 this section. The board shall make necessary
97 adjustments in the amount of the grant. If a

98 grant recipient at any time withdraws from the
99 institution of postsecondary education so that
100 under the rules and regulations of that
101 institution he is entitled to a refund of any
102 tuition, fees, or other charges, the institution
103 shall pay the portion of the refund to which he
104 is entitled attributable to the grant for that
105 semester or similar grading period to the board.

106 8. If a survivor is granted financial
107 assistance under any other student aid program,
108 public or private, the full amount of such aid
109 shall be reported to the board by the
110 institution and the eligible survivor.

111 9. Nothing in this section shall be
112 construed as a promise or guarantee that a
113 person will be admitted to an institution of
114 postsecondary education or to a particular
115 institution of postsecondary education, will be
116 allowed to continue to attend an institution of
117 postsecondary education after having been
118 admitted, or will be graduated from an
119 institution of postsecondary education.

120 10. The benefits conferred by this section
121 shall be available to any academically qualified
122 surviving children and spouses of Vietnam
123 veterans as defined in subsection 1 of this
124 section, regardless of the survivor's age, until
125 December 31, 1995. After December 31, 1995, the
126 benefits conferred by this section shall not be
127 available to such persons who are twenty-five
128 years of age or older, except spouses will
129 remain eligible until the fifth anniversary
130 after the death of the veteran.

131 11. This section shall expire on December
132 31, 2015.]

2 [173.680. 1. The department of higher
3 education and workforce development shall
4 conduct a study to identify the information
5 technology industry certifications most
6 frequently requested by employers in Missouri.
7 The department of higher education and workforce
8 development may conduct the study with the
assistance of other state departments and

9 agencies, the Missouri mathematics and science
10 coalition, and the governor's advisory council
11 on science, technology, engineering, and
12 mathematical issues.

13 2. The department of higher education and
14 workforce development shall complete the study
15 no later than January 31, 2015. The department
16 shall prepare the findings in a report and
17 provide it to:

18 (1) The president pro tempore of the
19 senate;

20 (2) The speaker of the house of
21 representatives;

22 (3) The joint committee on education;

23 (4) The governor;

24 (5) The coordinating board for higher
25 education; and

26 (6) The state board of education.]

[184.384. The district and subdistricts
2 and the officers and employees thereof shall be
3 subject to the provisions of chapter 296 or any
4 amendment thereto hereafter enacted.]

[190.450. By December 31, 2017, the
2 department of public safety shall complete a
3 study of the number of public safety answering
4 points necessary to provide the best possible
5 911 technology and service to all areas of the
6 state in the most efficient and economical
7 manner possible, issue a state public safety
8 answering point consolidation plan based on the
9 study, and provide such plan to the Missouri 911
10 service board.]

[191.425. 1. Upon receipt of federal
2 funding in accordance with subsection 4 of this
3 section, there is hereby established within the
4 department of health and senior services the
5 "Women's Heart Health Program" to provide heart
6 disease risk screening to uninsured and
7 underinsured women.

8 2. The following women shall be eligible
9 for program services:

- 10 (1) Women between the ages of thirty-five
11 and sixty-four years;
- 12 (2) Women who are receiving breast and
13 cervical cancer screenings under the Missouri
14 show me healthy women program;
- 15 (3) Women who are uninsured or whose
16 insurance does not provide coverage for heart
17 disease risk screenings; and
- 18 (4) Women with a gross family income at or
19 below two hundred percent of the federal poverty
20 level.
- 21 3. The department shall contract with
22 health care providers who are currently
23 providing services under the Missouri show me
24 healthy women program to provide screening
25 services under the women's heart health
26 program. Screening shall include but not be
27 limited to height, weight, and body mass index
28 (BMI), blood pressure, total cholesterol, HDL,
29 and blood glucose. Any woman whose screening
30 indicates an increased risk for heart disease
31 shall be referred for appropriate follow-up
32 health care services and be offered lifestyle
33 education services to reduce her risk for heart
34 disease.
- 35 4. The women's heart health program shall
36 be subject to receipt of federal funding which
37 designates such funding for heart disease risk
38 screening to uninsured and underinsured women.
39 In the event that federal funds are not
40 available for such program, the department shall
41 not be required to establish or implement the
42 program.
- 43 5. Under section 23.253 of the Missouri
44 sunset act:
- 45 (1) The provisions of the program
46 authorized under this section shall
47 automatically sunset three years after August
48 28, 2012, unless reauthorized by an act of the
49 general assembly; and
- 50 (2) If such program is reauthorized, the
51 program authorized under this section shall
52 automatically sunset three years after the

53 effective date of the reauthorization of this
54 section; and

55 (3) This section shall terminate on
56 September first of the calendar year immediately
57 following the calendar year in which the program
58 authorized under this section is sunset.]

[191.950. 1. As used in this section, the
2 following terms mean:

3 (1) "Department", the department of health
4 and senior services;

5 (2) "Economically challenged men", men who
6 have a gross income up to one hundred fifty
7 percent of the federal poverty level;

8 (3) "Program", the prostate cancer pilot
9 program established in this section;

10 (4) "Rural area", a rural area which is in
11 either any county of the third classification
12 without a township form of government and with
13 more than twenty thousand but fewer than twenty
14 thousand one hundred inhabitants, any county of
15 the second classification with more than
16 nineteen thousand seven hundred but fewer than
17 nineteen thousand eight hundred inhabitants, or
18 any county of the third classification with a
19 township form of government and with more than
20 thirty-three thousand one hundred but fewer than
21 thirty-three thousand two hundred inhabitants;

22 (5) "Uninsured men", men for whom services
23 provided by the program are not covered by
24 private insurance, MO HealthNet or Medicare;

25 (6) "Urban area", an urban area which is
26 located in a city not within a county.

27 2. Subject to securing a cooperative
28 agreement with a nonprofit entity for funding of
29 the program, there is hereby established within
30 the department of health and senior services two
31 "Prostate Cancer Pilot Programs" to fund
32 prostate cancer screening and treatment services
33 and to provide education to men residing in this
34 state. One prostate cancer pilot program shall
35 be located in an urban area and one prostate
36 cancer pilot program shall be located in a rural
37 area. The department may directly contract with

38 the Missouri Foundation for Health, or a
39 successor entity, in the delivery of the pilot
40 program. For purposes of this section, the
41 contracting process of the department with these
42 entities need not be governed by the provisions
43 of chapter 34.

44 3. The program shall be open to:

45 (1) Uninsured men or economically
46 challenged men who are at least fifty years old;
47 and

48 (2) On the advice of a physician or at the
49 request of the individual, uninsured men or
50 economically challenged men who are at least
51 thirty-five years of age but less than fifty
52 years of age and who are at high risk for
53 prostate cancer.

54 4. The program shall provide:

55 (1) Prostate cancer screening;

56 (2) Referral services, including services
57 necessary for diagnosis;

58 (3) Treatment services for individuals who
59 are diagnosed with prostate cancer after being
60 screened; and

61 (4) Outreach and education activities to
62 ensure awareness and utilization of program
63 services by uninsured men and economically
64 challenged men.

65 5. Upon appropriation, the department
66 shall distribute grants to administer the
67 program to:

68 (1) Local health departments; and

69 (2) Federally qualified health centers.

70 6. Three years from the date on which the
71 grants were first administered under this
72 section, the department shall report to the
73 governor and general assembly:

74 (1) The number of individuals screened and
75 treated under the program, including racial and
76 ethnic data on the individuals who were screened
77 and treated; and

78 (2) To the extent possible, any cost
79 savings achieved by the program as a result of
80 early detection of prostate cancer.

81 7. The department shall promulgate rules
82 to establish guidelines regarding eligibility
83 for the program and to implement the provisions
84 of this section. Any rule or portion of a rule,
85 as that term is defined in section 536.010, that
86 is created under the authority delegated in this
87 section shall become effective only if it
88 complies with and is subject to all of the
89 provisions of chapter 536 and, if applicable,
90 section 536.028. This section and chapter 536
91 are nonseverable and if any of the powers vested
92 with the general assembly pursuant to chapter
93 536 to review, to delay the effective date, or
94 to disapprove and annul a rule are subsequently
95 held unconstitutional, then the grant of
96 rulemaking authority and any rule proposed or
97 adopted after August 28, 2011, shall be invalid
98 and void.

99 8. Under and pursuant to section 23.253 of
100 the Missouri sunset act:

101 (1) The provisions of the new program
102 authorized under this section shall
103 automatically sunset six years after August 28,
104 2011, unless reauthorized by an act of the
105 general assembly; and

106 (2) If such program is reauthorized, the
107 program authorized under this section shall
108 automatically sunset six years after the
109 effective date of the reauthorization of this
110 section; and

111 (3) This section shall terminate on
112 September first of the calendar year immediately
113 following the calendar year in which the program
114 authorized under this section is sunset.]

2 [191.1075. As used in sections 191.1075 to
191.1085, the following terms shall mean:

3 (1) "Department", the department of health
4 and senior services;

5 (2) "Health care professional", a
6 physician or other health care practitioner
7 licensed, accredited, or certified by the state
8 of Missouri to perform specified health services;

9 (3) "Hospital":

10 (a) A place devoted primarily to the
11 maintenance and operation of facilities for the
12 diagnosis, treatment, or care of not less than
13 twenty-four consecutive hours in any week of
14 three or more nonrelated individuals suffering
15 from illness, disease, injury, deformity, or
16 other abnormal physical conditions; or

17 (b) A place devoted primarily to provide
18 for not less than twenty-four consecutive hours
19 in any week medical or nursing care for three or
20 more unrelated individuals. "Hospital" does not
21 include convalescent, nursing, shelter, or
22 boarding homes as defined in chapter 198.]

[191.1080. 1. There is hereby created
2 within the department of health and senior
3 services the "Missouri Palliative Care and
4 Quality of Life Interdisciplinary Council",
5 which shall be a palliative care consumer and
6 professional information and education program
7 to improve quality and delivery of patient-
8 centered and family-focused care in this state.

9 2. On or before December 1, 2016, the
10 following members shall be appointed to the
11 council:

12 (1) Two members of the senate, appointed
13 by the president pro tempore of the senate;

14 (2) Two members of the house of
15 representatives, appointed by the speaker of the
16 house of representatives;

17 (3) Two board-certified hospice and
18 palliative medicine physicians licensed in this
19 state, appointed by the governor with the advice
20 and consent of the senate;

21 (4) Two certified hospice and palliative
22 nurses licensed in this state, appointed by the
23 governor with the advice and consent of the
24 senate;

25 (5) A certified hospice and palliative
26 social worker, appointed by the governor with
27 the advice and consent of the senate;

28 (6) A patient and family caregiver
29 advocate representative, appointed by the

30 governor with the advice and consent of the
31 senate; and

32 (7) A spiritual professional with
33 experience in palliative care and health care,
34 appointed by the governor with the advice and
35 consent of the senate.

36 3. Council members shall serve for a term
37 of three years. The members of the council
38 shall elect a chair and vice chair whose duties
39 shall be established by the council. The
40 department shall determine a time and place for
41 regular meetings of the council, which shall
42 meet at least biannually.

43 4. Members of the council shall serve
44 without compensation, but shall, subject to
45 appropriations, be reimbursed for their actual
46 and necessary expenses incurred in the
47 performance of their duties as members of the
48 council.

49 5. The council shall consult with and
50 advise the department on matters related to the
51 establishment, maintenance, operation, and
52 outcomes evaluation of palliative care
53 initiatives in this state, including the
54 palliative care consumer and professional
55 information and education program established in
56 section 191.1085.

57 6. The council shall submit an annual
58 report to the general assembly, which includes
59 an assessment of the availability of palliative
60 care in this state for patients at early stages
61 of serious disease and an analysis of barriers
62 to greater access to palliative care.

63 7. The council authorized under this
64 section shall automatically expire August 28,
65 2022.]

2 [191.1085. 1. There is hereby established
3 the "Palliative Care Consumer and Professional
4 Information and Education Program" within the
5 department of health and senior services.

6 2. The purpose of the program is to
7 maximize the effectiveness of palliative care in
this state by ensuring that comprehensive and

8 accurate information and education about
9 palliative care is available to the public,
10 health care providers, and health care
11 facilities.

12 3. The department shall publish on its
13 website information and resources, including
14 links to external resources, about palliative
15 care for the public, health care providers, and
16 health care facilities, including but not
17 limited to:

18 (1) Continuing education opportunities for
19 health care providers;

20 (2) Information about palliative care
21 delivery in the home, primary, secondary, and
22 tertiary environments; and

23 (3) Consumer educational materials and
24 referral information for palliative care,
25 including hospice.

26 4. Each hospital in this state is
27 encouraged to have a palliative care presence on
28 its intranet or internet website which provides
29 links to one or more of the following
30 organizations: the Institute of Medicine, the
31 Center to Advance Palliative Care, the
32 Supportive Care Coalition, the National Hospice
33 and Palliative Care Organization, the American
34 Academy of Hospice and Palliative Medicine, and
35 the National Institute on Aging.

36 5. Each hospital in this state is
37 encouraged to have patient education information
38 about palliative care available for distribution
39 to patients.

40 6. The department shall consult with the
41 palliative care and quality of life
42 interdisciplinary council established in section
43 191.1080 in implementing the section.

44 7. The department may promulgate rules to
45 implement the provisions of sections 191.1075 to
46 191.1085. Any rule or portion of a rule, as
47 that term is defined in section 536.010, that is
48 created under the authority delegated in
49 sections 191.1075 to 191.1085 shall become
50 effective only if it complies with and is
51 subject to all of the provisions of chapter 536

52 and, if applicable, section 536.028. Sections
53 191.1075 to 191.1085 and chapter 536 are
54 nonseverable and if any of the powers vested
55 with the general assembly pursuant to chapter
56 536 to review, to delay the effective date, or
57 to disapprove and annul a rule are subsequently
58 held unconstitutional, then the grant of
59 rulemaking authority and any rule proposed or
60 adopted after August 28, 2016, shall be invalid
61 and void.

62 8. Notwithstanding the provisions of
63 section 23.253 to the contrary, the program
64 authorized under this section shall
65 automatically expire on August 28, 2022.]

2 [192.926. 1. By September 1, 2015, the
3 department of social services in cooperation
4 with the department of health and senior
5 services and the department of mental health
6 shall establish a committee to assess the
7 continuation of the money follows the person
8 demonstration program in order to support
9 Missourians who have disabilities and those who
10 are aging to transition from nursing facilities
11 or habilitation centers to quality community
12 settings. The committee shall study
13 sustainability of the program beyond the current
14 demonstration time frame for all transitions to
15 occur by September 30, 2018. The committee
16 shall be administered and its members, with the
17 exception of the members from the house of
18 representatives and the senate, chosen by the
19 director of the department of social services.

20 2. The committee shall:

21 (1) Review the extent to which the
22 demonstration program has achieved its purposes;

23 (2) Assess any possible improvements to
24 the program;

25 (3) Investigate program elements and costs
26 to sustain the program beyond its current
27 demonstration period;

28 (4) Explore cost savings achieved through
the demonstration program;

29 (5) Investigate the possibility and need
30 to apply for a waiver from the Centers for
31 Medicare and Medicaid Services.

32 3. The committee shall include fiscal
33 staff from the department of social services,
34 the department of health and senior services,
35 the department of mental health, and the office
36 of administration's division of budget and
37 planning. The committee shall also be comprised
38 of a representative from each of the following:

39 (1) The division of senior and disability
40 services within the department of health and
41 senior services;

42 (2) The MO HealthNet division within the
43 department of social services;

44 (3) The division of developmental
45 disabilities within the department of mental
46 health;

47 (4) Centers for independent living and
48 area agencies on aging currently serving as
49 money follows the person local contact agencies;

50 (5) The Missouri assistive technology
51 council;

52 (6) The Missouri developmental
53 disabilities council;

54 (7) The skilled nursing community
55 predominately serving MO HealthNet participants;

56 (8) The Missouri house of representatives,
57 appointed by the speaker of the house of
58 representatives; and

59 (9) The Missouri senate, appointed by the
60 president pro tempore of the senate.

61 4. The committee may also include other
62 members or work groups deemed necessary to
63 accomplish its purposes, including but not
64 limited to representatives from state agencies,
65 local advisory groups and community members, and
66 members of the general assembly with valuable
67 input regarding the activities of the money
68 follows the person demonstration program.

69 5. The department of social services in
70 cooperation with the department of health and
71 senior services and the department of mental
72 health shall make recommendations based on the

73 findings of the committee and report them to the
74 general assembly and the governor by July 1,
75 2016.

76 6. The provisions of this section shall
77 expire on January 1, 2017.]

[199.020. 1. The following officers and
2 their families shall, with the permission of the
3 department of health and senior services, reside
4 on the premises or other property of the
5 center: center director, assistant director,
6 physicians, and other personnel required for the
7 center's operation as recommended by the
8 center's director. Personnel residing at the
9 center shall pay a monthly rental determined
10 annually at the lower of cost or fair market
11 value; except that the center director, with the
12 approval of the director of the department of
13 health and senior services, may establish a
14 lower rate as required to fill the center's
15 personnel needs.

16 2. This section shall terminate thirty
17 days following the date notice is provided to
18 the revisor of statutes that an agreement has
19 been executed which transfers the Missouri
20 rehabilitation center from the department of
21 health and senior services to the board of
22 curators of the University of Missouri.]

[208.482. 1. The MO HealthNet division
2 shall not recover disproportionate share
3 hospital audit recoupments from any tier 1
4 safety net hospital, excluding department of
5 mental health state-operated psychiatric
6 hospitals, for which an intergovernmental
7 transfer was used for the nonfederal share of
8 its disproportionate share hospital payments.
9 General revenue funds shall not be used to
10 offset any expenditure of funds to pay such
11 recoupments to the federal government.

12 2. The provisions of this section shall
13 expire on September 30, 2022.]

[208.627. 1. The department of social
2 services shall seek input from the department of

3 mental health and community-based social service
4 agencies, which provide case management services
5 to the elderly, for the purpose of developing a
6 report outlining areas and strategies by which
7 the department can deliver case management
8 services to the elderly by collaboration and
9 cooperation with community-based social service
10 agencies, employing licensed personnel. The
11 report shall include, but not be limited to, the
12 identification of at-risk elderly,
13 transportation services, case management
14 services, nutrition services, health services,
15 and socialization activities and programs. The
16 goal of strategies outlined should be to enhance
17 the quality of life and welfare of Missouri's
18 elderly population, and specifically Missouri's
19 at-risk elderly.

20 2. The report required by subsection 1 of
21 this section shall be delivered to the governor,
22 the president pro tem of the senate, and the
23 speaker of the house not later than January 1,
24 1995. The report shall identify effective and
25 efficient methods of delivering necessary
26 services to at-risk elderly.]

[210.154. 1. There is hereby created
2 within the department of social services the
3 "Missouri Task Force on the Prevention of Infant
4 Abuse and Neglect" to study and make
5 recommendations to the governor and general
6 assembly concerning the prevention of infant
7 abuse and neglect in Missouri. The task force
8 shall consist of the following nine members:

9 (1) Two members of the senate from
10 different political parties, appointed by the
11 president pro tempore of the senate;

12 (2) Two members of the house of
13 representatives from different political
14 parties, appointed by the speaker of the house
15 of representatives;

16 (3) The director of the department of
17 social services, or his or her designee;

- 18 (4) The director of the department of
19 health and senior services, or his or her
20 designee;
- 21 (5) A SAFE CARE provider as described in
22 section 334.950;
- 23 (6) A representative of a child advocacy
24 organization specializing in prevention of child
25 abuse and neglect; and
- 26 (7) A representative of a licensed
27 Missouri hospital or licensed Missouri birthing
28 center.
- 29 Members of the task force, other than the
30 legislative members and the directors of state
31 departments, shall be appointed by the governor
32 with the advice and consent of the senate by
33 September 15, 2016.
- 34 2. A majority vote of a quorum of the task
35 force is required for any action.
- 36 3. The task force shall elect a chair and
37 vice chair at its first meeting, which shall be
38 convened by the director of the department of
39 social services, or his or her designee, no
40 later than October 1, 2016. Meetings may be
41 held by telephone or video conference at the
42 discretion of the chair.
- 43 4. Members shall serve on the task force
44 without compensation but may, subject to
45 appropriations, be reimbursed for actual and
46 necessary expenses incurred in the performance
47 of their official duties as members of the task
48 force.
- 49 5. On or before December 31, 2016, the
50 task force shall submit a report on its findings
51 and recommendations to the governor and general
52 assembly.
- 53 6. The task shall develop recommendations
54 to reduce infant abuse and neglect, including
55 but not limited to:
- 56 (1) Sharing information between the
57 children's division and hospitals and birthing
58 centers for the purpose of identifying newborn
59 infants who may be at risk of abuse and neglect;
60 and

61 (2) Training division employees and
62 medical providers to recognize the signs of
63 infant child abuse and neglect.
64 The recommendations may include proposals for
65 specific statutory and regulatory changes and
66 methods to foster cooperation between state and
67 local governmental bodies, medical providers,
68 and child welfare agencies.
69 7. The task force shall expire on January
70 1, 2017, or upon submission of a report as
71 provided for under subsection 5 of this section.]

[210.1030. 1. There is hereby created the
2 "Trauma-Informed Care for Children and Families
3 Task Force". The mission of the task force
4 shall be to promote the healthy development of
5 children and their families living in Missouri
6 communities by promoting comprehensive trauma-
7 informed children and family support systems and
8 interagency cooperation.

9 2. The task force shall consist of the
10 following members:

11 (1) The directors, or their designees, of
12 the departments of elementary and secondary
13 education, health and senior services, mental
14 health, social services, public safety, and
15 corrections;

16 (2) The director, or his or her designee,
17 of the office of child advocate;

18 (3) Six members from the private sector
19 with knowledge of trauma-informed care methods,
20 two of whom shall be appointed by the speaker of
21 the house of representatives, one of whom shall
22 be appointed by the minority leader of the house
23 of representatives, two of whom shall be
24 appointed by the president pro tempore of the
25 senate, and one of whom shall be appointed by
26 the minority leader of the senate;

27 (4) Two members of the house of
28 representatives appointed by the speaker of the
29 house of representatives and one member of the
30 house of representatives appointed by the
31 minority leader of the house of representatives;

32 (5) Two members of the senate appointed by
33 the president pro tempore of the senate and one
34 member of the senate appointed by the minority
35 leader of the senate; and

36 (6) The executive director, or his or her
37 designee, of the Missouri Juvenile Justice
38 Association.

39 3. The task force shall incorporate
40 evidence-based and evidence-informed best
41 practices including, but not limited to, the
42 Missouri Model: A Developmental Framework for
43 Trauma-Informed, with respect to:

44 (1) Early identification of children and
45 youth and their families, as appropriate, who
46 have experienced or are at risk of experiencing
47 trauma;

48 (2) The expeditious referral of such
49 children and youth and their families, as
50 appropriate, who require specialized services to
51 the appropriate trauma-informed support
52 services, including treatment, in accordance
53 with applicable privacy laws; and

54 (3) The implementation of trauma-informed
55 approaches and interventions in child and youth-
56 serving schools, organizations, homes, and other
57 settings to foster safe, stable, and nurturing
58 environments and relationships that prevent and
59 mitigate the effects of trauma.

60 4. The department of social services shall
61 provide such research, clerical, technical, and
62 other services as the task force may require in
63 the performance of its duties.

64 5. The task force, its members, and any
65 staff assigned to the task force shall receive
66 reimbursement for their actual and necessary
67 expenses incurred in attending meetings of the
68 task force or any subcommittee thereof.

69 6. The task force shall meet within two
70 months of August 28, 2018.

71 7. The task force shall report a summary
72 of its activities and any recommendations for
73 legislation to the general assembly and to the
74 joint committee on child abuse and neglect under
75 section 21.771 by January 1, 2019.

76 8. The task force shall terminate on
77 January 1, 2019.]

 [215.263. 1. For purposes of sections
2 215.261 to 215.263, the term "affordable
3 housing" means all residential structures newly
4 constructed or rehabilitated, which a person
5 earning one hundred fifteen percent or less of
6 the median income for the person's county, as
7 determined by the United States Census Bureau's
8 American Community Survey, based on the most
9 recent of five-year period estimate data in
10 which the final year of the estimate ends in
11 either zero or five, could afford if spending
12 twenty-nine percent of that person's gross
13 income annually on such housing.

 2. Clerical, research and general
14 administrative support staff for the commission
15 shall be provided by the Missouri department of
16 economic development.]
17

 [217.147. 1. There is hereby created the
2 "Sentencing and Corrections Oversight
3 Commission". The commission shall be composed
4 of thirteen members as follows:

5 (1) A circuit court judge to be appointed
6 by the chief justice of the Missouri supreme
7 court;

8 (2) Three members to be appointed by the
9 governor with the advice and consent of the
10 senate, one of whom shall be a victim's
11 advocate, one of whom shall be a representative
12 from the Missouri Sheriffs' Association, and one
13 of whom shall be a representative of the
14 Missouri Association of Counties;

15 (3) The following shall be ex officio,
16 voting members:

17 (a) The chair of the senate judiciary
18 committee, or any successor committee that
19 reviews legislation involving crime and criminal
20 procedure, who shall serve as co-chair of the
21 commission and the ranking minority member of
22 such senate committee;

23 (b) The chair of the appropriations-public
24 safety and corrections committee of the house of

25 representatives, or any successor committee that
26 reviews similar legislation, who shall serve as
27 co-chair and the ranking minority member of such
28 house committee;

29 (c) The director of the Missouri state
30 public defender system, or his or her designee
31 who is a practicing public defender;

32 (d) The executive director of the Missouri
33 office of prosecution services, or his or her
34 designee who is a practicing prosecutor;

35 (e) The director of the department of
36 corrections, or his or her designee;

37 (f) The chairman of the board of probation
38 and parole, or his or her designee;

39 (g) The chief justice of the Missouri
40 supreme court, or his or her designee.

41 2. Beginning with the appointments made
42 after August 28, 2012, the circuit court judge
43 member shall be appointed for four years, two of
44 the members appointed by the governor shall be
45 appointed for three years, and one member
46 appointed by the governor shall be appointed for
47 two years. Thereafter, the members shall be
48 appointed to serve four-year terms and shall
49 serve until a successor is appointed. A vacancy
50 in the office of a member shall be filled by
51 appointment for the remainder of the unexpired
52 term.

53 3. The co-chairs are responsible for
54 establishing and enforcing attendance and voting
55 rules, bylaws, and the frequency, location, and
56 time of meetings, and distributing meeting
57 notices, except that the commission's first
58 meeting shall occur by February 28, 2013, and
59 the commission shall meet at least twice each
60 calendar year.

61 4. The duties of the commission shall
62 include:

63 (1) Monitoring and assisting the
64 implementation of sections 217.703, 217.718, and
65 subsection 4 of section 559.036, and evaluating
66 recidivism reductions, cost savings, and other
67 effects resulting from the implementation;

- 68 (2) Determining ways to reinvest any cost
69 savings to pay for the continued implementation
70 of the sections listed in subdivision (1) of
71 this subsection and other evidence-based
72 practices for reducing recidivism; and
- 73 (3) Examining the issue of restitution for
74 crime victims, including the amount ordered and
75 collected annually, methods and costs of
76 collection, and restitution's order of priority
77 in official procedures and documents.
- 78 5. The department, board, and office of
79 state courts administrator shall collect and
80 report any data requested by the commission in a
81 timely fashion.
- 82 6. The commission shall issue a report to
83 the speaker of the house of representatives,
84 senate president pro tempore, chief justice of
85 the Missouri supreme court, and governor on
86 December 31, 2013, and annually thereafter,
87 detailing the effects of the sections listed in
88 subdivision (1) of subsection 4 and providing
89 the data and analysis demonstrating those
90 effects. The report may also recommend ways to
91 reinvest any cost savings into evidence-based
92 practices to reduce recidivism and possible
93 changes to sentencing and corrections policies
94 and statutes.
- 95 7. The department of corrections shall
96 provide administrative support to the commission
97 to carry out the duties of this section.
- 98 8. No member shall receive any
99 compensation for the performance of official
100 duties, but the members who are not otherwise
101 reimbursed by their agency shall be reimbursed
102 for travel and other expenses actually and
103 necessarily incurred in the performance of their
104 duties.
- 105 9. The provisions of this section shall
106 automatically expire on August 28, 2018.]

2 [227.817. The portion of U.S. Highway 169
3 from State Highway VV continuing to State
4 Highway DD in Clinton and Clay counties shall be
designated the "Championship Way". The

5 department of transportation shall erect and
6 maintain appropriate signs designating such
7 highway, with the costs to be paid by private
8 donations. This designation shall expire on
9 December 31, 2022.]

2 [252.300. 1. Sections 252.300 to 252.333
3 shall be known and may be cited as "The Missouri
4 Economic Diversification and Afforestation Act
5 of 1990".

6 2. It is the intent of sections 252.300 to
7 252.333 to address environmental, economic, and
8 social programs with a long-term, integrated
9 strategy that will result in soil conservation,
10 improved water and air quality, enhanced
11 wildlife habitat, increased job opportunities,
12 and reduced social problems, to the benefit of
all citizens of the state of Missouri.]

2 [252.303. The department may develop and
3 implement, in cooperation with the University of
4 Missouri college of agriculture, the University
5 of Missouri center for agroforestry, the
6 University of Missouri extension service, the
7 Missouri department of natural resources,
8 private industry councils and the Missouri
9 department of agriculture, an agroforestry
10 program. The program shall be designed to
11 encourage the development of a state program of
12 agroforestry, and shall encourage soil
13 conservation and diversifications of the state's
14 agricultural base through the use of trees
15 planted in an agroforestry configuration to
16 accommodate alley cropping, forested-riparian
buffers, silvopasture and windbreaks.]

2 [252.306. As used in sections 252.300 to
3 252.333, the following terms shall mean:

4 (1) "Alley cropping", planting rows of
5 trees at wide spacings and cropping the
6 alleyways;

7 (2) "Conservation reserve program", the
8 conservation reserve program authorized by the
Federal Food Security Act of 1985, as amended,

- 9 (Title XII, P.L. 99-198), or its successor
10 program;
- 11 (3) "Department", the Missouri department
12 of conservation;
- 13 (4) "Director", the director of the
14 Missouri department of conservation;
- 15 (5) "Eligible land", agricultural land
16 which is susceptible to soil erosion that has a
17 recent cropping history, marginal pastureland,
18 land surrounding livestock enclosures and
19 riparian zones;
- 20 (6) "Eligible practices", single or
21 multiple rows of trees, alone or combined with
22 other plants such as grass, conventional row
23 crops or horticulture crops, and animals located
24 at intervals of distance within or around
25 fields, around livestock enclosures, and along
26 streams and rivers, specifically designed to
27 provide production and environmental enhancement
28 benefits in accordance with the practices
29 identified in section 252.303;
- 30 (7) "Enhancement phase", the period of
31 time, not to exceed ten years, immediately
32 following the establishment phase, during which
33 payments are made by the state of Missouri to
34 landowners who use their eligible land for
35 agroforestry purposes as required by the
36 department;
- 37 (8) "Establishment phase", the period of
38 time during which eligible land is being
39 prepared for planting trees and developing
40 agroforestry practices, as determined by the
41 director of the department;
- 42 (9) "Forested-riparian buffers", a
43 combination of trees and other vegetation
44 established parallel to streams and rivers;
- 45 (10) "Silvopasture", combining trees with
46 forage and livestock;
- 47 (11) "Windbreaks", planting single or
48 multiple rows of trees for protection and
49 enhanced production of crops and animals.]
- 2 [252.309. 1. The director may enter into
agreements with individual landowners to make

3 incentive payments during the enhancement phase
4 to landowners. Recipients of such payments
5 shall utilize the land for which such payment is
6 made for agroforestry purposes as required by
7 the director pursuant to sections 252.300 to
8 252.333.

9 2. The amount of state incentive payment
10 made to a landowner per acre of eligible land
11 shall be an amount which, when added to any cash
12 or in-kind net income produced by crops raised
13 on the land, is substantially equal to the
14 amount per acre previously paid or which would
15 have been paid to the landowner under the
16 federal conservation reserve program.

17 3. If an application made pursuant to
18 section 252.315 is approved by the director, the
19 director shall develop a schedule of annual
20 payments to be made by the state.

21 4. The state shall not make any payment to
22 a landowner to maintain the use of eligible land
23 during the enhancement phase for agroforestry
24 purposes after ten years have elapsed since the
25 first such incentive payment is made.]

[252.312. The state payments provided for
2 in sections 252.309, 252.330, and 252.333 may be
3 made from funds available to the department of
4 conservation, soil conservation funds made
5 available by the department of natural resources
6 from the tax imposed by Sections 47(a), 47(b)
7 and 47(c) of Article IV of the Constitution of
8 Missouri, funds appropriated by the general
9 assembly for that purpose, grants, bequests or
10 gifts, or any combination thereof.]

[252.315. 1. To participate in the
2 program, the landowner shall make application to
3 the director in writing. The written
4 application shall show the number of acres to be
5 placed in the program and that the land which is
6 to be placed in the agroforestry program meets
7 the eligibility requirements of this section.
8 The application shall also contain a detailed
9 plan of the landowner's proposal to meet the
10 requirements of sections 252.300 to 252.333,

11 including the type and number of trees to be
12 planted, established, or managed, the type of
13 compatible grass, other crops and such other
14 information as may be deemed necessary. The
15 number of trees required to satisfy eligibility
16 may vary with agroforestry practice, but in each
17 case shall be a sufficient number to guarantee
18 the success of the practice and shall be
19 consistent with standards established for each
20 practice.

21 2. The director shall review each
22 application. In reviewing the application the
23 director shall determine the type or types of
24 soil located in the area of the land proposed to
25 be included in the agroforestry program and
26 shall apply the land capability classification
27 system to determine the potential or limitations
28 of the land for inclusion in the program.
29 Before the director acts upon the application,
30 an on-site inspection shall be made by a
31 representative of the department of conservation
32 or its approved agent. The inspecting
33 representative shall attest to the efficacy of
34 the agroforestry plan to be used, the number of
35 acres to be placed under agroforestry
36 management, the species and number of trees to
37 be planted, established, or managed, and other
38 crop components of the proposed program. After
39 the report of the on-site inspector and the
40 review by the director, the director shall
41 determine the landowner's eligibility to
42 participate in the agroforestry program and
43 shall determine the amount of cost sharing,
44 including in-kind and labor components, for the
45 landowner. If the director fails to approve an
46 application, the aggrieved landowner may request
47 a hearing before the conservation commission or
48 its authorized representative within thirty days
49 of notice to the landowner of the failure of the
50 conservation department to approve the
51 application, or the landowner may proceed under
52 the provisions of section 536.150 as if the act
53 of the conservation department was one not
54 subject to administrative review. If an action

55 is brought pursuant to section 536.150, venue
56 shall be in Cole County.]

[252.318. 1. All land participating in
2 the agroforestry program shall be inspected
3 annually by a representative of the director, to
4 ensure that the land continues to comply with
5 the requirements of sections 252.300 to 252.333
6 and that practice specifications are being
7 maintained in accordance with applicable rules
8 and regulations.]

9 2. If the annual inspection determines
10 that the land is no longer in compliance with
11 the provisions of sections 252.300 to 252.333 or
12 with the rules and regulations promulgated
13 pursuant to the provisions of sections 252.300
14 to 252.333, the director shall notify the
15 landowner of that fact and shall detail the
16 specifics in which the land fails to meet the
17 requirements. The landowner may respond to the
18 notice within thirty days of receipt, either by
19 contesting the inspection report or by providing
20 the director with a proposal to correct the
21 problems which form the basis of the notice. If
22 the landowner contests the findings of the
23 annual inspection, the aggrieved landowner may
24 request a hearing before the conservation
25 commission or its authorized representative or
26 the landowner may proceed under the provisions
27 of section 536.150, as if the act of the
28 conservation department was one not subject to
29 administrative review. If an action is brought
30 pursuant to section 536.150, venue shall be in
31 Cole County. If the landowner provides the
32 director with a proposal to correct the problems
33 which form the basis of the notice, the director
34 shall review the proposal and, if the director
35 finds such proposal acceptable, shall allow the
36 landowner to implement the proposal to correct
37 the alleged problems and shall not suspend the
38 annual payment to the landowner under the
39 provisions of sections 252.300 to 252.333. If
40 the landowner is unable or unwilling to correct
41 the alleged problems in a manner acceptable to

42 the director, the landowner shall not receive
43 the subsequent payments due under the provisions
44 of sections 252.300 to 252.333.]

[252.321. The University of Missouri
2 center for agroforestry and extension service,
3 in consultation with the director, shall
4 establish agroforestry demonstration areas, and
5 develop and deliver the educational components
6 of sections 252.300 to 252.333.]

[252.324. 1. The director may promulgate
2 rules and regulations necessary to carry out the
3 provisions of sections 252.300 to 252.333.
4 Before promulgating any such rule, the director
5 shall seek the advice and comments of the
6 University of Missouri college of agriculture,
7 the University of Missouri center for
8 agroforestry, the University of Missouri
9 extension service, the Missouri department of
10 natural resources, private industry councils,
11 the Missouri department of economic development
12 and the Missouri department of agriculture. The
13 director may seek advice and comments before
14 promulgating rules and regulations from the
15 United States Department of Agriculture and any
16 other entities deemed advisable by the
17 director. No rule or portion of a rule
18 promulgated under the authority of this chapter
19 shall become effective unless it has been
20 promulgated pursuant to the provisions of
21 chapter 536.

22 2. The Missouri department of conservation
23 may contract with the division of soil and water
24 conservation of the Missouri department of
25 natural resources for any administrative
26 functions required under the provisions of
27 sections 252.300 to 252.333.]

[252.327. 1. The department of
2 conservation and the department of economic
3 development and the University of Missouri
4 college of agriculture shall, by each of the
5 dates specified in subsection 2 of this section,

6 jointly produce a report on the agroforestry
7 program which:

8 (1) Provides a status report on the
9 afforestation aspects of the agroforestry
10 program by presenting a forecast of anticipated
11 economic developments from the afforestation in
12 the state as a result of the agroforestry
13 program;

14 (2) Suggests public or private sector
15 initiatives that will potentially serve to
16 maximize the economic benefits for related new
17 development and expansion of existing businesses
18 resulting from the agroforestry program;

19 (3) Suggests methods to promote the
20 development of wood and other forestry related
21 products;

22 (4) Suggests public or private sector
23 initiatives or methods which will result in
24 significant increases in job opportunities and
25 employment.

26 2. The report shall be submitted to the
27 governor and to the general assembly by January
28 thirty-first of each of the following years:
29 1996, 2001, 2006, 2011, 2016, 2021, and 2026.]

[252.330. During the establishment phase,
2 the director may pay for the planting of trees
3 on eligible land which is used for agroforestry
4 pursuant to sections 252.300 to 252.333. Such
5 payment shall be limited to expenses which are
6 determined to be reasonable and necessary by the
7 director, but shall not exceed seventy-five
8 percent of the cost of establishment.]

[252.333. The director may make incentive
2 payments for agroforestry purposes of land
3 enrolled in this program. The duration of such
4 payments shall not exceed ten years. The
5 director may also expend funds to plant trees on
6 such land. Such expenditures may include both
7 planting and associated practices as determined
8 by the director.]

2 [260.900. As used in sections 260.900 to
3 260.960, unless the context clearly indicates
4 otherwise, the following terms mean:

5 (1) "Abandoned dry-cleaning facility", any
6 real property premises or individual leasehold
7 space in which a dry-cleaning facility formerly
8 operated;

9 (2) "Active dry-cleaning facility", any
10 real property premises or individual leasehold
11 space in which a dry-cleaning facility currently
12 operates;

13 (3) "Chlorinated dry-cleaning solvent",
14 any dry-cleaning solvent which contains a
15 compound which has a molecular structure
16 containing the element chlorine;

17 (4) "Commission", the hazardous waste
18 management commission created in section 260.365;

19 (5) "Corrective action", those activities
20 described in subsection 1 of section 260.925;

21 (6) "Corrective action plan", a plan
22 approved by the director to perform corrective
23 action at a dry-cleaning facility;

24 (7) "Department", the Missouri department
25 of natural resources;

26 (8) "Director", the director of the
27 Missouri department of natural resources;

28 (9) "Dry-cleaning facility", a commercial
29 establishment that operates, or has operated in
30 the past in whole or in part for the purpose of
31 cleaning garments or other fabrics on site
32 utilizing a process that involves any use of dry-
33 cleaning solvents. Dry-cleaning facility
34 includes all contiguous land, structures and
35 other appurtenances and improvements on the land
36 used in connection with a dry-cleaning facility
37 but does not include prisons, governmental
38 entities, hotels, motels or industrial
39 laundries. Dry-cleaning facility does include
40 coin-operated dry-cleaning facilities;

41 (10) "Dry-cleaning solvent", any and all
42 nonaqueous solvents used or to be used in the
43 cleaning of garments and other fabrics at a dry-
44 cleaning facility and includes but is not
limited to perchloroethylene, also known as

45 tetrachloroethylene, chlorinated dry-cleaning,
46 and the products into which such solvents
47 degrade;

48 (11) "Dry-cleaning unit", a machine or
49 device which utilizes dry-cleaning solvents to
50 clean garments and other fabrics and includes
51 any associated piping and ancillary equipment
52 and any containment system;

53 (12) "Environmental response surcharge",
54 either the active dry-cleaning facility
55 registration surcharge or the dry-cleaning
56 solvent surcharge;

57 (13) "Fund", the dry-cleaning
58 environmental response trust fund created in
59 section 260.920;

60 (14) "Immediate response to a release",
61 containment and control of a known release in
62 excess of a reportable quantity and notification
63 to the department of any known release in excess
64 of a reportable quantity;

65 (15) "Operator", any person who is or has
66 been responsible for the operation of dry-
67 cleaning operations at a dry-cleaning facility;

68 (16) "Owner", any person who owns the real
69 property where a dry-cleaning facility is or has
70 operated;

71 (17) "Person", an individual, trust, firm,
72 joint venture, consortium, joint-stock company,
73 corporation, partnership, association or limited
74 liability company. Person does not include any
75 governmental organization;

76 (18) "Release", any spill, leak, emission,
77 discharge, escape, leak or disposal of dry-
78 cleaning solvent from a dry-cleaning facility
79 into the soils or waters of the state;

80 (19) "Reportable quantity", a known
81 release of a dry-cleaning solvent deemed
82 reportable by applicable federal or state law or
83 regulation.]

2 [260.905. 1. The commission shall
3 promulgate and adopt such initial rules and
4 regulations, effective no later than July 1,
2007, as shall be necessary to carry out the

5 purposes and provisions of sections 260.900 to
6 260.960. Prior to the promulgation of such
7 rules, the commission shall meet with
8 representatives of the dry-cleaning industry and
9 other interested parties. The commission,
10 thereafter, shall promulgate and adopt
11 additional rules and regulations or change
12 existing rules and regulations when necessary to
13 carry out the purposes and provisions of
14 sections 260.900 to 260.960.

15 2. Any rule or regulation adopted pursuant
16 to sections 260.900 to 260.960 shall be
17 reasonably necessary to protect human health, to
18 preserve, protect and maintain the water and
19 other natural resources of this state and to
20 provide for prompt corrective action of releases
21 from dry-cleaning facilities. Consistent with
22 these purposes, the commission shall adopt rules
23 and regulations, effective no later than July 1,
24 2007:

25 (1) Establishing requirements that owners
26 who close dry-cleaning facilities remove dry-
27 cleaning solvents and wastes from such
28 facilities in order to prevent any future
29 releases;

30 (2) Establishing criteria to prioritize
31 the expenditure of funds from the dry-cleaning
32 environmental response trust fund. The criteria
33 shall include consideration of:

34 (a) The benefit to be derived from
35 corrective action compared to the cost of
36 conducting such corrective action;

37 (b) The degree to which human health and
38 the environment are actually affected by
39 exposure to contamination;

40 (c) The present and future use of an
41 affected aquifer or surface water;

42 (d) The effect that interim or immediate
43 remedial measures will have on future costs; and

44 (e) Such additional factors as the
45 commission considers relevant;

46 (3) Establishing criteria under which a
47 determination may be made by the department of
48 the level at which corrective action shall be

49 deemed completed. Criteria for determining
50 completion of corrective action shall be based
51 on the factors set forth in subdivision (2) of
52 this subsection and:

53 (a) Individual site characteristics
54 including natural remediation processes;

55 (b) Applicable state water quality
56 standards;

57 (c) Whether deviation from state water
58 quality standards or from established criteria
59 is appropriate, based on the degree to which the
60 desired remediation level is achievable and may
61 be reasonably and cost effectively implemented,
62 subject to the limitation that where a state
63 water quality standard is applicable, a
64 deviation may not result in the application of
65 standards more stringent than that standard; and

66 (d) Such additional factors as the
67 commission considers relevant.]

[260.910. 1. No person shall:

2 (1) Operate an active dry-cleaning
3 facility in violation of sections 260.900 to
4 260.960, rules and regulations adopted pursuant
5 to sections 260.900 to 260.960 or orders of the
6 director pursuant to sections 260.900 to
7 260.960, or operate an active dry-cleaning
8 facility in violation of any other applicable
9 federal or state environmental statutes, rules
10 or regulations;

11 (2) Prevent or hinder a properly
12 identified officer or employee of the department
13 or other authorized agent of the director from
14 entering, inspecting, sampling or responding to
15 a release at reasonable times and with
16 reasonable advance notice to the operator as
17 authorized by sections 260.900 to 260.960;

18 (3) Knowingly make any false material
19 statement or representation in any record,
20 report or other document filed, maintained or
21 used for the purpose of compliance with sections
22 260.900 to 260.960;

23 (4) Knowingly destroy, alter or conceal
24 any record required to be maintained by sections

25 260.900 to 260.960 or rules and regulations
26 adopted pursuant to sections 260.900 to 260.960;
27 (5) Willfully allow a release in excess of
28 a reportable quantity or knowingly fail to make
29 an immediate response to a release in accordance
30 with sections 260.900 to 260.960 and rules and
31 regulations pursuant to sections 260.900 to
32 260.960.

33 2. The director may bring a civil damages
34 action against any person who violates any
35 provisions of subsection 1 of this section.
36 Such civil damages may be assessed in an amount
37 not to exceed five hundred dollars for each
38 violation and are in addition to any other
39 penalty assessed by law.

40 3. In assessing any civil damages pursuant
41 to this section, a court of competent
42 jurisdiction shall consider, when applicable,
43 the following factors:

44 (1) The extent to which the violation
45 presents a hazard to human health;

46 (2) The extent to which the violation has
47 or may have an adverse effect on the environment;

48 (3) The amount of the reasonable costs
49 incurred by the state in detection and
50 investigation of the violation; and

51 (4) The economic savings realized by the
52 person in not complying with the provision for
53 which a violation is charged.]

2 [260.915. Each operator of an active dry-
3 cleaning facility shall register with the
4 department on a form provided by the department
5 according to procedures established by the
6 department by rule.]

2 [260.920. 1. There is hereby created
3 within the state treasury a fund to be known as
4 the "Dry-cleaning Environmental Response Trust
5 Fund". All moneys received from the
6 environmental response surcharges, fees, gifts,
7 bequests, donations and moneys recovered by the
8 state pursuant to sections 260.900 to 260.960,
9 except for any moneys paid under an agreement
with the director or as civil damages, or any

10 other money so designated shall be deposited in
11 the state treasury to the credit of the dry-
12 cleaning environmental response trust fund, and
13 shall be invested to generate income to the
14 fund. Notwithstanding the provisions of section
15 33.080, the unexpended balance in the dry-
16 cleaning environmental response trust fund at
17 the end of each fiscal year shall not be
18 transferred to the general revenue fund.

19 2. Moneys in the fund may be expended for
20 only the following purposes and for no other
21 governmental purpose:

22 (1) The direct costs of administration and
23 enforcement of sections 260.900 to 260.960; and

24 (2) The costs of corrective action as
25 provided in section 260.925.

26 3. The state treasurer is authorized to
27 deposit all of the moneys in the dry-cleaning
28 environmental response trust fund in any of the
29 qualified depositories of the state. All such
30 deposits shall be secured in such a manner and
31 shall be made upon such terms and conditions as
32 are now or may hereafter be provided by law
33 relative to state deposits. Interest received
34 on such deposits shall be credited to the dry-
35 cleaning environmental response trust fund.

36 4. Any funds received pursuant to sections
37 260.900 to 260.960 and deposited in the dry-
38 cleaning environmental response trust fund shall
39 not be considered a part of "total state
40 revenue" as provided in Sections 17 and 18 of
41 Article X of the Missouri Constitution.]

[260.925. 1. On and after July 1, 2002,
2 moneys in the fund shall be utilized to address
3 contamination resulting from releases of dry-
4 cleaning solvents as provided in sections
5 260.900 to 260.960. Whenever a release poses a
6 threat to human health or the environment, the
7 department, consistent with rules and
8 regulations adopted by the commission pursuant
9 to subdivisions (2) and (3) of subsection 2 of
10 section 260.905, shall expend moneys available
11 in the fund to provide for:

- 12 (1) Investigation and assessment of a
13 release from a dry-cleaning facility, including
14 costs of investigations and assessments of
15 contamination which may have moved off of the
16 dry-cleaning facility;
- 17 (2) Necessary or appropriate emergency
18 action, including but not limited to treatment,
19 restoration or replacement of drinking water
20 supplies, to assure that the human health or
21 safety is not threatened by a release or
22 potential release;
- 23 (3) Remediation of releases from dry-
24 cleaning facilities, including contamination
25 which may have moved off of the dry-cleaning
26 facility, which remediation shall consist of the
27 preparation of a corrective action plan and the
28 cleanup of affected soil, groundwater and
29 surface waters, using an alternative that is
30 cost-effective, technologically feasible and
31 reliable, provides adequate protection of human
32 health and environment and to the extent
33 practicable minimizes environmental damage;
- 34 (4) Operation and maintenance of
35 corrective action;
- 36 (5) Monitoring of releases from dry-
37 cleaning facilities including contamination
38 which may have moved off of the dry-cleaning
39 facility;
- 40 (6) Payment of reasonable costs incurred
41 by the director in providing field and
42 laboratory services;
- 43 (7) Reasonable costs of restoring property
44 as nearly as practicable to the condition that
45 existed prior to activities associated with the
46 investigation of a release or cleanup or
47 remediation activities;
- 48 (8) Removal and proper disposal of wastes
49 generated by a release of a dry-cleaning
50 solvent; and
- 51 (9) Payment of costs of corrective action
52 conducted by the department or by entities other
53 than the department but approved by the
54 department, whether or not such corrective
55 action is set out in a corrective action plan;

56 except that, there shall be no reimbursement for
57 corrective action costs incurred before August
58 28, 2000.

59 2. Nothing in subsection 1 of this section
60 shall be construed to authorize the department
61 to obligate moneys in the fund for payment of
62 costs that are not integral to corrective action
63 for a release of dry-cleaning solvents from a
64 dry-cleaning facility. Moneys from the fund
65 shall not be used:

66 (1) For corrective action at sites that
67 are contaminated by solvents normally used in
68 dry-cleaning operations where the contamination
69 did not result from the operation of a dry-
70 cleaning facility;

71 (2) For corrective action at sites, other
72 than dry-cleaning facilities, that are
73 contaminated by dry-cleaning solvents which were
74 released while being transported to or from a
75 dry-cleaning facility;

76 (3) To pay any fine or penalty brought
77 against a dry-cleaning facility operator under
78 state or federal law;

79 (4) To pay any costs related to corrective
80 action at a dry-cleaning facility that has been
81 included by the United States Environmental
82 Protection Agency on the national priorities
83 list;

84 (5) For corrective action at sites with
85 active dry-cleaning facilities where the owner
86 or operator is not in compliance with sections
87 260.900 to 260.960, rules and regulations
88 adopted pursuant to sections 260.900 to 260.960,
89 orders of the director pursuant to sections
90 260.900 to 260.960, or any other applicable
91 federal or state environmental statutes, rules
92 or regulations; or

93 (6) For corrective action at sites with
94 abandoned dry-cleaning facilities that have been
95 taken out of operation prior to July 1, 2009,
96 and not documented by or reported to the
97 department by July 1, 2009. Any person
98 reporting such a site to the department shall

99 include any available evidence that the site
100 once contained a dry-cleaning facility.

101 3. Nothing in sections 260.900 to 260.960
102 shall be construed to restrict the department
103 from temporarily postponing completion of
104 corrective action for which moneys from the fund
105 are being expended whenever such postponement is
106 deemed necessary in order to protect public
107 health and the environment.

108 4. At any multisource site, the department
109 shall utilize the moneys in the fund to pay for
110 the proportionate share of the liability for
111 corrective action costs which is attributable to
112 a release from one or more dry-cleaning
113 facilities and for that proportionate share of
114 the liability only.

115 5. At any multisource site, the director
116 is authorized to make a determination of the
117 relative liability of the fund for costs of
118 corrective action, expressed as a percentage of
119 the total cost of corrective action at a site,
120 whether known or unknown. The director shall
121 issue an order establishing such percentage of
122 liability. Such order shall be binding and
123 shall control the obligation of the fund until
124 or unless amended by the director. In the event
125 of an appeal from such order, such percentage of
126 liability shall be controlling for costs
127 incurred during the pendency of the appeal.

128 6. Any authorized officer, employee or
129 agent of the department, or any person under
130 order or contract with the department, may enter
131 onto any property or premises, at reasonable
132 times and with reasonable advance notice to the
133 operator, to take corrective action where the
134 director determines that such action is
135 necessary to protect the public health or
136 environment. If consent is not granted by the
137 operator regarding any request made by any
138 officer, employee or agent of the department, or
139 any person under order or contract with the
140 department, under the provisions of this
141 section, the director may issue an order
142 directing compliance with the request. The

143 order may be issued after such notice and
144 opportunity for consultation as is reasonably
145 appropriate under the circumstances.

146 7. Notwithstanding any other provision of
147 sections 260.900 to 260.960, in the discretion
148 of the director, an operator may be responsible
149 for up to one hundred percent of the costs of
150 corrective action attributable to such operator
151 if the director finds, after notice and an
152 opportunity for a hearing in accordance with
153 chapter 536 that:

154 (1) Requiring the operator to bear such
155 responsibility will not prejudice another owner,
156 operator or person who is eligible, pursuant to
157 the provisions of sections 260.900 to 260.960,
158 to have corrective action costs paid by the
159 fund; and

160 (2) The operator:

161 (a) Caused a release in excess of a
162 reportable quantity by willful or wanton actions
163 and such release was caused by operating
164 practices in violation of existing laws and
165 regulations at the time of the release; or

166 (b) Is in arrears for moneys owed pursuant
167 to sections 260.900 to 260.960, after notice and
168 an opportunity to correct the arrearage; or

169 (c) Materially obstructs the efforts of
170 the department to carry out its obligations
171 pursuant to sections 260.900 to 260.960; except
172 that, the exercise of legal rights shall not
173 constitute a substantial obstruction; or

174 (d) Caused or allowed a release in excess
175 of a reportable quantity because of a willful
176 material violation of sections 260.900 to
177 260.960 or the rules and regulations adopted by
178 the commission pursuant to sections 260.900 to
179 260.960.

180 8. For purposes of subsection 7 of this
181 section, unless a transfer is made to take
182 advantage of the provisions of subsection 7 of
183 this section, purchasers of stock or other
184 indicia of ownership and other successors in
185 interest shall not be considered to be the same
186 owner or operator as the seller or transferor of

187 such stock or indicia of ownership even though
188 there may be no change in the legal identity of
189 the owner or operator. To the extent that an
190 owner or operator is responsible for corrective
191 action costs pursuant to subsection 7 of this
192 section, such owner or operator shall not be
193 entitled to the exemption provided in subsection
194 5 of section 260.930.

195 9. The fund shall not be liable for the
196 payment of costs in excess of one million
197 dollars at any one contaminated dry-cleaning
198 site. Additionally, the fund shall not be
199 liable for the payment of costs for any one site
200 in excess of twenty-five percent of the total
201 moneys in the fund during any fiscal year. For
202 purposes of this subsection, "contaminated dry-
203 cleaning site" means the areal extent of soil or
204 ground water contaminated with dry-cleaning
205 solvents.

206 10. The owner or operator of an active dry-
207 cleaning facility shall be liable for the first
208 twenty-five thousand dollars of corrective
209 action costs incurred because of a release from
210 an active dry-cleaning facility. The owner of
211 an abandoned dry-cleaning facility shall be
212 liable for the first twenty-five thousand
213 dollars of corrective action costs incurred
214 because of a release from an abandoned dry-
215 cleaning facility. Nothing in this subsection
216 shall be construed to prohibit the department
217 from taking corrective action because the
218 department cannot obtain the deductible.]

2 [260.930. 1. Neither the state of
3 Missouri, the fund, the commission, the director
4 nor the department or agent or employees thereof
5 shall be liable for loss of business, damages or
6 taking of property associated with any
7 corrective action taken pursuant to sections
8 260.900 to 260.960.

8 2. Nothing in sections 260.900 to 260.960
9 shall establish or create any liability or
10 responsibility on the part of the commission,
11 the director, the department or the state of

12 Missouri, or agents or employees thereof, to pay
13 any corrective action costs from any source
14 other than the fund or to take corrective action
15 if the moneys in the fund are insufficient to do
16 so.

17 3. Nothing in sections 260.900 to 260.960
18 shall be construed to abrogate or limit any
19 right, remedy, causes of action, or claim by any
20 person sustaining personal injury or property
21 damage as a result of any release from a dry-
22 cleaning facility, nor shall anything in
23 sections 260.900 to 260.960 be construed to
24 abrogate or limit any liability of any person in
25 any way responsible for any release from a dry-
26 cleaning facility or any damages for personal
27 injury or property damages caused by such a
28 release.

29 4. Moneys in the fund shall not be used
30 for compensating third parties for bodily injury
31 or property damage caused by a release from a
32 dry-cleaning facility, other than property
33 damage included in the corrective action plan
34 approved by the director.

35 5. To the extent that an operator, owner
36 or other person is eligible pursuant to the
37 provisions of sections 260.900 to 260.960 to
38 have corrective action costs paid by the fund,
39 no administrative or judicial claim may be made
40 under state law against any such operator, owner
41 or other person by or on behalf of a state or
42 local government or by any person to either
43 compel corrective action at the dry-cleaning
44 facility site or seek recovery of the costs of
45 corrective action at the dry-cleaning facility
46 which result from the release of dry-cleaning
47 solvents from that dry-cleaning facility or to
48 compel corrective action or seek recovery of the
49 costs of corrective action which result from the
50 release of dry-cleaning solvents from a dry-
51 cleaning facility. The provisions of this
52 subsection shall apply to any dry-cleaning
53 facility or dry-cleaning facility site which has
54 been included in a corrective action plan
55 approved by the director. The director shall

56 only approve a corrective action plan after
57 making a determination that a sufficient balance
58 in the fund exists to implement the plan. No
59 administrative or judicial claim may be made
60 unless the director has rejected the corrective
61 action plan submitted pursuant to section
62 260.925.]

[260.935. 1. Every active dry-cleaning
2 facility shall pay, in addition to any other
3 environmental response surcharges, an annual dry-
4 cleaning facility registration surcharge as
5 follows:

6 (1) Five hundred dollars for facilities
7 which use no more than one hundred forty gallons
8 of chlorinated solvents;

9 (2) One thousand dollars for facilities
10 which use more than one hundred forty gallons of
11 chlorinated solvents and less than three hundred
12 sixty gallons of chlorinated solvents per year;
13 and

14 (3) Fifteen hundred dollars for facilities
15 which use at least three hundred sixty gallons
16 of chlorinated solvents per year.

17 2. The active dry-cleaning facility
18 registration surcharge imposed by this section
19 shall be reported and paid to the department on
20 an annual basis. The commission shall prescribe
21 by administrative rule the procedure for the
22 report and payment required by this section.

23 3. The department shall provide each
24 person who pays a dry-cleaning facility
25 registration surcharge pursuant to this section
26 with a receipt. The receipt or the copy of the
27 receipt shall be produced for inspection at the
28 request of any authorized representative of the
29 department.

30 4. All moneys collected or received by the
31 department pursuant to this section shall be
32 transmitted to the department of revenue for
33 deposit in the state treasury to the credit of
34 the dry-cleaning environmental response trust
35 fund created in section 260.920. Following each
36 annual reporting date, the state treasurer shall

37 certify the amount deposited in the fund to the
38 department.

39 5. If any person does not pay the active
40 dry-cleaning facility registration surcharge or
41 any portion of the active dry-cleaning facility
42 registration surcharge imposed by this section
43 by the date prescribed for such payment, the
44 department shall impose and such person shall
45 pay, in addition to the active dry-cleaning
46 facility registration surcharge owed by such
47 person, a penalty of fifteen percent of the
48 active dry-cleaning facility registration
49 surcharge. Such penalty shall be deposited in
50 the dry-cleaning environmental response trust
51 fund.

52 6. If any person does not pay the active
53 dry-cleaning facility registration surcharge or
54 any portion of the active dry-cleaning facility
55 registration surcharge imposed by this section
56 by the date prescribed for such payment, the
57 department shall also impose interest upon the
58 unpaid amount at the rate of ten percent per
59 annum from the date prescribed for the payment
60 of such surcharge and penalties until payment is
61 actually made. Such interest shall be deposited
62 in the dry-cleaning environmental response trust
63 fund.]

2 [260.940. 1. Every seller or provider of
dry-cleaning solvent for use in this state shall
3 pay, in addition to any other environmental
4 response surcharges, a dry-cleaning solvent
5 surcharge on the sale or provision of dry-
6 cleaning solvent.

7 2. The amount of the dry-cleaning solvent
8 surcharge imposed by this section on each gallon
9 of dry-cleaning solvent shall be an amount equal
10 to the product of the solvent factor for the dry-
11 cleaning solvent and the rate of eight dollars
12 per gallon.

13 3. The solvent factor for each dry-
14 cleaning solvent is as follows:

15 (1) For perchloroethylene, the solvent
16 factor is 1.00;

17 (2) For 1,1,1-trichloroethane, the solvent
18 factor is 1.00; and

19 (3) For other chlorinated dry-cleaning
20 solvents, the solvent factor is 1.00.

21 4. In the case of a fraction of a gallon,
22 the dry-cleaning solvent surcharge imposed by
23 this section shall be the same fraction of the
24 fee imposed on a whole gallon.

25 5. The dry-cleaning solvent surcharge
26 required in this section shall be paid to the
27 department by the seller or provider of the dry-
28 cleaning solvent, regardless of the location of
29 such seller or provider.

30 6. The dry-cleaning solvent surcharge
31 required in this section shall be paid by the
32 seller or provider on a quarterly basis and
33 shall be paid to the department for the previous
34 quarter. The commission shall prescribe by
35 administrative rule the procedure for the
36 payment required by this section.

37 7. The department shall provide each
38 person who pays a dry-cleaning solvent surcharge
39 pursuant to this section with a receipt. The
40 receipt or the copy of the receipt shall be
41 produced for inspection at the request of any
42 authorized representative of the department.

43 8. All moneys collected or received by the
44 department pursuant to this section shall be
45 transmitted to the department of revenue for
46 deposit in the state treasury to the credit of
47 the dry-cleaning environmental response trust
48 fund created in section 260.920. Following each
49 annual or quarterly reporting date, the state
50 treasurer shall certify the amount deposited to
51 the department.

52 9. If any seller or provider of dry-
53 cleaning solvent fails or refuses to pay the dry-
54 cleaning solvent surcharge imposed by this
55 section, the department shall impose and such
56 seller or provider shall pay, in addition to the
57 dry-cleaning solvent surcharge owed by the
58 seller or provider, a penalty of fifteen percent
59 of the dry-cleaning solvent surcharge. Such

60 penalty shall be deposited in the dry-cleaning
61 environmental response trust fund.

62 10. If any person does not pay the dry-
63 cleaning solvent surcharge or any portion of the
64 dry-cleaning solvent surcharge imposed by this
65 section by the date prescribed for such payment,
66 the department shall impose and such person
67 shall pay interest upon the unpaid amount at the
68 rate of ten percent per annum from the date
69 prescribed for the payment of such surcharge and
70 penalties until payment is actually made. Such
71 interest shall be deposited in the dry-cleaning
72 environmental response trust fund.

73 11. An operator of a dry-cleaning facility
74 shall not purchase or obtain solvent from a
75 seller or provider who does not pay the dry-
76 cleaning solvent charge, as provided in this
77 section. Any operator of a dry-cleaning
78 facility who fails to obey the provisions of
79 this section shall be required to pay the dry-
80 cleaning solvent surcharge as provided in
81 subsections 2, 3 and 4 of this section for any
82 dry-cleaning solvent purchased or obtained from
83 a seller or provider who fails to pay the proper
84 dry-cleaning solvent surcharge as determined by
85 the department. Any operator of a dry-cleaning
86 facility who fails to follow the provisions of
87 this subsection shall also be charged a penalty
88 of fifteen percent of the dry-cleaning solvent
89 surcharge owed. Any operator of a dry-cleaning
90 facility who fails to obey the provisions of
91 this subsection shall also be subject to the
92 interest provisions of subsection 10 of this
93 section. If a seller or provider of dry-
94 cleaning solvent charges the operator of a dry-
95 cleaning facility the dry-cleaning solvent
96 surcharge provided for in this section when the
97 solvent is purchased or obtained by the operator
98 and the operator can prove that the operator
99 made full payment of the surcharge to the seller
100 or provider but the seller or provider fails to
101 pay the surcharge to the department as required
102 by this section, then the operator shall not be
103 liable pursuant to this subsection for interest,

104 penalties or the seller's or provider's unpaid
105 surcharge. Such surcharges, penalties and
106 interest shall be collected by the department,
107 and all moneys collected pursuant to this
108 subsection shall be deposited in the dry-
109 cleaning environmental response trust fund.]

[260.945. 1. If the unobligated principal
2 of the fund equals or exceeds five million
3 dollars on April first of any year, the active
4 dry-cleaning facility registration surcharge
5 imposed by section 260.935 and the dry-cleaning
6 solvent surcharge imposed by section 260.940
7 shall not be collected on or after the next July
8 first until such time as on April first of any
9 year thereafter the unobligated principal
10 balance of the fund equals two million dollars
11 or less, then the active dry-cleaning facility
12 registration surcharge imposed by section
13 260.935 and the dry-cleaning solvent surcharge
14 imposed by section 260.940 shall again be
15 collected on and after the next July first.

16 2. Not later than April fifth of each
17 year, the state treasurer shall notify the
18 department of the amount of the unobligated
19 balance of the fund on April first of such
20 year. Upon receipt of the notice, the
21 department shall notify the public if the active
22 dry-cleaning facility registration surcharge
23 imposed by section 260.935 and the dry-cleaning
24 solvent surcharge imposed by section 260.940
25 will terminate or be payable on the following
26 July first.

27 3. Moneys in the fund shall not be
28 expended pursuant to sections 260.900 to 260.960
29 prior to July 1, 2002.]

[260.950. 1. All final orders and
2 determinations of the commission or the
3 department made pursuant to the provisions of
4 sections 260.900 to 260.960 are subject to
5 judicial review pursuant to the provisions of
6 chapter 536. All final orders and
7 determinations shall be deemed administrative
8 decisions as that term is defined in chapter

9 536; provided that, no judicial review shall be
10 available, unless all administrative remedies
11 are exhausted.

12 2. In any suit filed pursuant to section
13 536.050 concerning the validity of the
14 commission's or department's standards, rules or
15 regulations, the court shall review the record
16 made before the commission or department to
17 determine the validity and such reasonableness
18 of such standards, rules or regulations and may
19 hear such additional evidence as it deems
20 necessary.]

[260.955. The department shall annually
2 transmit a report to the general assembly and
3 the governor regarding:

4 (1) Receipts of the fund during the
5 preceding calendar year and the sources of the
6 receipts;

7 (2) Disbursements from the fund during the
8 preceding calendar year and the purposes of the
9 disbursements;

10 (3) The extent of corrective action taken
11 pursuant to sections 260.900 to 260.960 during
12 the preceding calendar year; and

13 (4) The prioritization of sites for
14 expenditures from the fund.]

[260.960. Any rule or portion of a rule,
2 as that term is defined in section 536.010, that
3 is created under the authority delegated in this
4 section shall become effective only if it
5 complies with and is subject to all of the
6 provisions of chapter 536 and, if applicable,
7 section 536.028. This section and chapter 536
8 are nonseverable and if any of the powers vested
9 with the general assembly pursuant to chapter
10 536 to review, to delay the effective date or to
11 disapprove and annul a rule are subsequently
12 held unconstitutional, then the grant of
13 rulemaking authority and any rule proposed or
14 adopted after the effective date of this act
15 shall be invalid and void.]

2 [260.965. The provisions of sections
260.900 to 260.965 shall expire August 28, 2017.]

3 [301.213. 1. Notwithstanding the
provisions of sections 301.200 and 301.210, any
person licensed as a motor vehicle dealer under
sections 301.550 to 301.580 that has provided to
the director of revenue a surety bond or
irrevocable letter of credit in an amount not
less than one hundred thousand dollars in a form
which complies with the requirements of section
301.560 and in lieu of the fifty thousand dollar
bond otherwise required for licensure as a motor
vehicle dealer shall be authorized to purchase
or accept in trade any motor vehicle for which
there has been issued a certificate of
ownership, and to receive such vehicle subject
to any existing liens thereon created and
perfected under sections 301.600 to 301.660
provided the licensed dealer receives the
following:

19 (1) A signed written contract between the
licensed dealer and the owner of the vehicle
outlining the terms of the sale or acceptance in
trade of such motor vehicle without transfer of
the certificate of ownership; and

24 (2) Physical delivery of the vehicle to
the licensed dealer; and

26 (3) A power of attorney from the owner to
the licensed dealer, in accordance with
subsection 4 of section 301.300, authorizing the
licensed dealer to obtain a duplicate or
replacement title in the owner's name and sign
any title assignments on the owner's behalf.

32 2. If the dealer complies with the
requirements of subsection 1 of this section,
the sale or trade of the vehicle to the dealer
shall be considered final, subject to any
existing liens created and perfected under
sections 301.600 to 301.660. Once the prior
owner of the motor vehicle has physically
delivered the motor vehicle to the licensed
dealer, the prior owners' insurable interest in
such vehicle shall cease to exist.

42 3. If a licensed dealer complies with the
43 requirements of subsection 1 of this section,
44 and such dealer has provided to the director of
45 revenue a surety bond or irrevocable letter of
46 credit in amount not less than one hundred
47 thousand dollars in a form which complies with
48 the requirements of section 301.560 and in lieu
49 of the fifty thousand dollar bond otherwise
50 required for licensure as a motor vehicle
51 dealer, such dealer may sell such vehicle prior
52 to receiving and assigning to the purchaser the
53 certificate of ownership, provided such dealer
54 complies with the following:

55 (1) All outstanding liens created on the
56 vehicle pursuant to sections 301.600 to 301.660
57 have been paid in full, and the dealer provides
58 a copy of proof or other evidence to the
59 purchaser; and

60 (2) The dealer has obtained proof or other
61 evidence from the department of revenue
62 confirming that no outstanding child support
63 liens exist upon the vehicle at the time of sale
64 and provides a copy of said proof or other
65 evidence to the purchaser; and

66 (3) The dealer has obtained proof or other
67 evidence from the department of revenue
68 confirming that all applicable state sales tax
69 has been satisfied on the sale of the vehicle to
70 the previous owner and provides a copy of said
71 proof or other evidence to the purchaser; and

72 (4) The dealer has signed an application
73 for duplicate or replacement title for the
74 vehicle under subsection 4 of section 301.300
75 and provides a copy of the application to the
76 purchaser, along with a copy of the power of
77 attorney required by subsection 1 of this
78 section, and the dealer has prepared and
79 delivered to the purchaser an application for
80 title for the vehicle in the purchaser's name;
81 and

82 (5) The dealer and the purchaser have
83 entered into a written agreement for the
84 subsequent assignment and delivery of such
85 certificate of ownership, on a form prescribed

86 by the director of revenue, to take place at a
87 time, not to exceed sixty calendar days, after
88 the time of delivery of the motor vehicle to the
89 purchaser. Such agreement shall require the
90 purchaser to provide to the dealer proof of
91 financial responsibility in accordance with
92 chapter 303 and proof of comprehensive and
93 collision coverage on the motor vehicle. Such
94 dealer shall maintain the original or an
95 electronic copy of the signed agreement and
96 deliver a copy of the signed agreement to the
97 purchaser. Such dealer shall also complete and
98 deliver to the director of revenue such form as
99 the director shall prescribe demonstrating that
100 the purchaser has purchased the vehicle without
101 contemporaneous delivery of the title.

102 Notwithstanding any provision of law to the
103 contrary, completion of the requirements of this
104 subsection shall constitute prima facie evidence
105 of an ownership interest vested in the purchaser
106 of the vehicle for all purposes other than for a
107 subsequent transfer of ownership of the vehicle
108 by the purchaser, subject to the rights of any
109 secured lienholder of record; however, the
110 purchaser may use the dealer-supplied copy of
111 the agreement to transfer his or her ownership
112 of the vehicle to an insurance company in
113 situations where the vehicle has been declared
114 salvage or a total loss by the insurance company
115 as a result of a settlement of a claim. Such
116 insurance company may apply for a salvage
117 certificate of title or junking certificate
118 pursuant to the provisions of subsection 3 of
119 section 301.193 in order to transfer its
120 interest in such vehicle. The purchaser may
121 also use the dealer-supplied copy of the
122 agreement on the form prescribed by the director
123 of revenue as proof of ownership interest. Any
124 lender or insurance company may rely upon a copy
125 of the signed written agreement on the form
126 prescribed by the director of revenue as proof
127 of ownership interest. Any lien placed upon a
128 vehicle based upon such signed written agreement

129 shall be valid and enforceable, notwithstanding
130 the absence of a certificate of ownership.

131 4. Following a sale or other transaction
132 in which a certificate of ownership has not been
133 assigned from the owner to the licensed dealer,
134 the dealer shall, within ten business days,
135 apply for a duplicate or replacement certificate
136 of ownership. Upon receipt of a duplicate or
137 replacement certificate of ownership applied for
138 under subsection 4 of section 301.300, the
139 dealer shall assign and deliver said certificate
140 of ownership to the purchaser of the vehicle
141 within five business days. The dealer shall
142 maintain proof of the assignment and delivery of
143 the certificate of ownership to the purchaser.
144 For purposes of this subsection, a dealer shall
145 be deemed to have delivered the certificate of
146 ownership to the purchaser upon either:

147 (1) Physical delivery of the certificate
148 of ownership to any of the purchasers identified
149 in the contract with such dealer; or

150 (2) Mailing of the certificate, postage
151 prepaid, return receipt requested, to any of the
152 purchasers at any of their addresses identified
153 in the contract with such dealer.

154 5. If a licensed dealer fails to comply
155 with subsection 3 of this section, and the
156 purchaser of the vehicle is thereby damaged,
157 then the dealer shall be liable to the purchaser
158 of the vehicle for actual damages, plus court
159 costs and reasonable attorney fees.

160 6. If a licensed dealer fails or is unable
161 to comply with subsection 4 of this section, and
162 the purchaser of the vehicle is thereby damaged,
163 then the dealer shall be liable to the purchaser
164 of the vehicle for actual damages, plus court
165 costs and reasonable attorney fees. If the
166 dealer cannot be found by the purchaser after
167 making reasonable attempts, or if the dealer
168 fails to assign and deliver the duplicate or
169 replacement certificate of ownership to the
170 purchaser by the date agreed upon by the dealer
171 and the purchaser, as required by subsection 4
172 of this section, then the purchaser may deliver

173 to the director a copy of the contract for sale
174 of the vehicle, a copy of the application for
175 duplicate title provided by the dealer to the
176 purchaser, a copy of the secure power of
177 attorney allowing the dealer to assign the
178 duplicate title, and the proof or other evidence
179 obtained by the purchaser from the dealer under
180 subsection 3 of this section. Thereafter, the
181 director shall mail by certified mail, return
182 receipt requested, a notice to the dealer at the
183 last address given to the department by that
184 dealer. That notice shall inform the dealer
185 that the director intends to cancel any prior
186 certificate of title which may have been issued
187 to the dealer on the vehicle and issue to the
188 purchaser a certificate of title in the name of
189 the purchaser, subject to any liens incurred by
190 the purchaser in connection with the purchase of
191 the vehicle, unless the dealer, within ten
192 business days from the date of the director's
193 notice, files with the director a written
194 objection to the director taking such action.
195 If the dealer does file a timely, written
196 objection with the director, then the director
197 shall not take any further action without an
198 order from a court of competent jurisdiction.
199 However, if the dealer does not file a timely,
200 written objection with the director, then the
201 director shall cancel the prior certificate of
202 title issued to the dealer on the vehicle and
203 issue a certificate of title to the purchaser of
204 the vehicle, subject to any liens incurred by
205 the purchaser in connection with the purchase of
206 the vehicle and subject to the purchaser
207 satisfying all applicable taxes and fees
208 associated with registering the vehicle.

209 7. If a seller misrepresents to a dealer
210 that the seller is the owner of a vehicle and
211 the dealer, the owner, any subsequent purchaser,
212 or any prior or subsequent lienholder is thereby
213 damaged, then the seller shall be liable to each
214 such party for actual and punitive damages, plus
215 court costs and reasonable attorney fees.

216 8. When a lienholder is damaged as a
217 result of a licensed dealer's acts, errors,
218 omissions, or violations of this section, then
219 the dealer shall be liable to the lienholder for
220 actual damages, plus court costs and reasonable
221 attorney fees.

222 9. No court costs or attorney fees shall
223 be awarded under this section unless, prior to
224 filing any such action, the following conditions
225 have been met:

226 (1) The aggrieved party seeking damages
227 has delivered an itemized written demand of the
228 party's actual damages to the party from whom
229 damages are sought; and

230 (2) The party from whom damages are sought
231 has not satisfied the written demand within
232 thirty days after receipt of the written demand.

233 10. The department of revenue may use a
234 dealer's repeated or intentional violation of
235 this section as a cause to suspend, revoke, or
236 refuse to issue or renew any license required
237 pursuant to sections 301.550 to 301.580, in
238 addition to the causes set forth in section
239 301.562. The hearing process shall be the same
240 as that established in subsection 6 of section
241 301.562.

242 11. No dealer shall enter into a contract
243 under this section after December 31, 2020. Any
244 contract entered into prior to December 31,
245 2020, shall be enforceable as provided in this
246 section. This section shall be repealed
247 effective December 31, 2020.]

2 [319.140. 1. There is established a task
3 force of the general assembly to be known as the
4 "Task Force on the Petroleum Storage Tank
5 Insurance Fund". Such task force shall be
6 composed of eight members. Three members shall
7 be from the house of representatives with two
8 appointed by the speaker of the house of
9 representatives and one appointed by the
10 minority floor leader of the house of
11 representatives. Three members shall be from
the senate with two appointed by the president

12 pro tempore of the senate and one appointed by
13 the minority floor leader of the senate. Two
14 members shall be industry stakeholders with one
15 appointed by the speaker of the house of
16 representatives and one appointed by the
17 president pro tempore of the senate. No more
18 than two members from either the house of
19 representatives or the senate shall be from the
20 same political party. A majority of the task
21 force shall constitute a quorum.

22 2. The task force shall conduct research
23 and compile a report for delivery to the general
24 assembly by December 31, 2018, on the following:

25 (1) The efficacy of the petroleum storage
26 tank insurance fund and program;

27 (2) The sustainability of the petroleum
28 storage tank insurance fund and program;

29 (3) The administration of the petroleum
30 storage tank insurance fund and program;

31 (4) The availability of private insurance
32 for above- and below-ground petroleum storage
33 tanks, and the necessity of insurance subsidies
34 created through the petroleum storage tank
35 insurance program;

36 (5) Compliance with federal programs,
37 regulations, and advisory reports; and

38 (6) The comparability of the petroleum
39 storage tank insurance program to other states'
40 programs and states without such programs.

41 3. The task force shall meet within thirty
42 days after its creation and organize by
43 selecting a chairperson and vice chairperson,
44 one of whom shall be a member of the senate and
45 the other a member of the house of
46 representatives. Thereafter, the task force may
47 meet as often as necessary in order to
48 accomplish the tasks assigned to it.

49 4. The task force shall be staffed by
50 legislative staff as necessary to assist the
51 task force in the performance of its duties.

52 5. The members of the task force shall
53 serve without compensation but shall be entitled
54 to reimbursement for actual and necessary

55 expenses incurred in the performance of their
56 official duties.

57 6. This section shall expire on December
58 31, 2018.]

[320.093. 1. Any person, firm or
2 corporation who purchases a dry fire hydrant, as
3 defined in section 320.273, or provides an
4 acceptable means of water storage for such dry
5 fire hydrant including a pond, tank or other
6 storage facility with the primary purpose of
7 fire protection within the state of Missouri,
8 shall be eligible for a credit on income taxes
9 otherwise due pursuant to chapter 143, except
10 sections 143.191 to 143.261, as an incentive to
11 implement safe and efficient fire protection
12 controls. The tax credit, not to exceed five
13 thousand dollars, shall be equal to fifty
14 percent of the cost in actual expenditure for
15 any new water storage construction, equipment,
16 development and installation of the dry hydrant,
17 including pipes, valves, hydrants and labor for
18 each such installation of a dry hydrant or new
19 water storage facility. The amount of the tax
20 credit claimed for in-kind contributions shall
21 not exceed twenty-five percent of the total
22 amount of the contribution for which the tax
23 credit is claimed.

24 2. Any amount of credit which exceeds the
25 tax due shall not be refunded but may be carried
26 over to any subsequent taxable year, not to
27 exceed seven years. The person, firm or
28 corporation may elect to assign to a third party
29 the approved tax credit. The certificate of
30 assignment and other appropriate forms shall be
31 filed with the Missouri department of revenue
32 and the department of economic development.

33 3. The person, firm or corporation shall
34 make application for the credit to the
35 department of economic development after
36 receiving approval of the state fire marshal.
37 The fire marshal shall establish by rule
38 promulgated pursuant to chapter 536 the
39 requirements to be met based on the National

40 Resources Conservation Service's Dry Hydrant
41 Standard. The state fire marshal or designated
42 local representative shall review and authorize
43 the construction and installation of any dry
44 fire hydrant site. Only approved dry fire
45 hydrant sites shall be eligible for tax credits
46 as indicated in this section. Under no
47 circumstance shall such authority deny any
48 entity the ability to provide a dry fire hydrant
49 site when tax credits are not requested.

50 4. The department of public safety shall
51 certify to the department of revenue that the
52 dry hydrant system meets the requirements to
53 obtain a tax credit as specified in subsection 5
54 of this section.

55 5. In order to qualify for a tax credit
56 under this section, a dry hydrant or new water
57 storage facility shall meet the following
58 minimum requirements:

59 (1) Each body of water or water storage
60 structure shall be able to provide two hundred
61 fifty gallons per minute for a continuous two-
62 hour period during a fifty-year drought or
63 freeze at a vertical lift of eighteen feet;

64 (2) Each dry hydrant shall be located
65 within twenty-five feet of an all-weather
66 roadway and shall be accessible to fire
67 protection equipment;

68 (3) Dry hydrants shall be located a
69 reasonable distance from other dry or
70 pressurized hydrants; and

71 (4) The site shall provide a measurable
72 economic improvement potential for rural
73 development.

74 6. New credits shall not be awarded under
75 this section after August 28, 2010. The total
76 amount of all tax credits allowed pursuant to
77 this section is five hundred thousand dollars in
78 any one fiscal year as approved by the director
79 of the department of economic development.

80 7. Any rule or portion of a rule, as that
81 term is defined in section 536.010, that is
82 created under the authority delegated in this
83 section shall become effective only if it

84 complies with and is subject to all of the
85 provisions of chapter 536 and, if applicable,
86 section 536.028. This section and chapter 536
87 are nonseverable and if any of the powers vested
88 with the general assembly pursuant to chapter
89 536 to review, to delay the effective date or to
90 disapprove and annul a rule are subsequently
91 held unconstitutional, then the grant of
92 rulemaking authority and any rule proposed or
93 adopted after August 28, 2007, shall be invalid
94 and void.]

[332.304. The specific duties of the
2 committee shall include the following:

3 (1) Designing a training program for
4 dental hygienists which allows coursework to be
5 completed off-site from the educational
6 institution, and clinical and didactic training
7 to be delivered in the office of a dentist
8 licensed under this chapter, if such offsite
9 dental office is a part of an accredited dental
10 hygiene program through the Commission on Dental
11 Accreditation of the American Dental Association
12 as an extended campus facility or any other
13 facility approved by the council on dental
14 accreditation;

15 (2) Developing suggestions for the
16 creation of a contract between the department
17 and an institution of higher education to
18 establish the training program designed under
19 subdivision (1) of this section;

20 (3) Analyzing issues relating to the
21 curriculum, funding, and administration of the
22 training program designed under subdivision (1)
23 of this section; and

24 (4) On or before November 1, 2005,
25 delivering to both houses of the general
26 assembly and the governor a report on the
27 training program designed under subdivision (1)
28 of this section and any suggestions developed
29 and analysis made under subdivisions (2) and (3)
30 of this section.]

2 [332.305. The committee shall dissolve
upon delivery of the report required under
3 subdivision (4) of section 332.304.]

2 [334.153. 1. No person other than a
physician licensed under this chapter shall
3 perform the following interventions in the
4 course of diagnosing or treating pain which is
5 chronic, persistent and intractable, or occurs
6 outside of a surgical, obstetrical, or
7 postoperative course of care:

8 (1) Ablation of targeted nerves;

9 (2) Percutaneous precision needle
10 placement within the spinal column with
11 placement of drugs, such as local anesthetics,
12 steroids, and analgesics, in the spinal column
13 under fluoroscopic guidance. The provisions of
14 this subdivision shall not apply to interlaminar
15 lumbar epidural injections performed in a
16 hospital as defined in section 197.020 or an
17 ambulatory surgery center as defined in section
18 197.200 if the standard of care for Medicare
19 reimbursement for interlaminar or translaminar
20 lumbar epidural injections is changed after
21 August 28, 2012, to allow reimbursement only
22 with the use of image guidance; or

23 (3) Laser or endoscopic discectomy, or the
24 surgical placement of intrathecal infusion
25 pumps, and or spinal cord stimulators.

26 2. Nothing in this section shall be
27 construed to prohibit or restrict the
28 performance of surgical or obstetrical
29 anesthesia services or postoperative pain
30 control by a certified registered nurse
31 anesthetist pursuant to subsection 7 of section
32 334.104 or by an anesthesiologist assistant
33 licensed pursuant to sections 334.400 to 334.434.

34 3. The state board of registration for the
35 healing arts may promulgate rules to implement
36 the provisions of this section, except that such
37 authority shall not apply to rulemaking
38 authority to define or regulate the scope of
39 practice of certified registered nurse
40 anesthetists. Any rule or portion of a rule, as

41 that term is defined in section 536.010, that is
42 created under the authority delegated in this
43 section shall become effective only if it
44 complies with and is subject to all of the
45 provisions of chapter 536 and, if applicable,
46 section 536.028. This section and chapter 536
47 are nonseverable and if any of the powers vested
48 with the general assembly pursuant to chapter
49 536 to review, to delay the effective date, or
50 to disapprove and annul a rule are subsequently
51 held unconstitutional, then the grant of
52 rulemaking authority and any rule proposed or
53 adopted after August 28, 2012, shall be invalid
54 and void.

55 4. The provisions of this section shall
56 automatically expire four years after August 28,
57 2012, unless reauthorized by an act of the
58 general assembly.]

2 [334.1135. 1. There is hereby established
3 a joint task force to be known as the "Joint
4 Task Force on Radiologic Technologist Licensure".

5 2. The task force shall be composed of the
6 following:

7 (1) Two members of the senate, one of whom
8 shall be appointed by the president pro tempore
9 and one by the minority leader of the senate;

10 (2) Two members of the house of
11 representatives, one of whom shall be appointed
12 by the speaker and one by the minority leader of
13 the house of representatives;

14 (3) A clinic administrator, or his or her
15 designee, appointed by the Missouri Association
16 of Rural Health Clinics;

17 (4) A physician appointed by the Missouri
18 State Medical Association;

19 (5) A pain management physician appointed
20 by the Missouri Society of Anesthesiologists;

21 (6) A radiologic technologist appointed by
22 the Missouri Society of Radiologic Technologists;

23 (7) A nuclear medicine technologist
24 appointed by the Missouri Valley Chapter of the
25 Society of Nuclear Medicine and Molecular
Imaging;

- 26 (8) An administrator of an ambulatory
27 surgical center appointed by the Missouri
28 Ambulatory Surgical Center Association;
- 29 (9) A physician appointed by the Missouri
30 Academy of Family Physicians;
- 31 (10) A certified registered nurse
32 anesthetist appointed by the Missouri
33 Association of Nurse Anesthetists;
- 34 (11) A physician appointed by the Missouri
35 Radiological Society;
- 36 (12) The director of the Missouri state
37 board of registration for the healing arts, or
38 his or her designee; and
- 39 (13) The director of the Missouri state
40 board of nursing, or his or her designee.
- 41 3. The task force shall review the current
42 status of licensure of radiologic technologists
43 in Missouri and shall develop a plan to address
44 the most appropriate method to protect public
45 safety when radiologic imaging and radiologic
46 procedures are utilized. The plan shall include:
- 47 (1) An analysis of the risks associated if
48 radiologic technologists are not licensed;
- 49 (2) The creation of a Radiologic Imaging
50 and Radiation Therapy Advisory Commission;
- 51 (3) Procedures to address the specific
52 needs of rural health care and the availability
53 of licensed radiologic technologists;
- 54 (4) Requirements for licensure of
55 radiographers, radiation therapists, nuclear
56 medicine technologists, nuclear medicine
57 advanced associates, radiologist assistants, and
58 limited x-ray machine operators;
- 59 (5) Reasonable exemptions to licensure;
- 60 (6) Continuing education and training;
- 61 (7) Penalty provisions; and
- 62 (8) Other items that the task force deems
63 relevant for the proper determination of
64 licensure of radiologic technologists in
65 Missouri.
- 66 4. The task force shall meet within thirty
67 days of its creation and select a chair and vice
68 chair. A majority of the task force shall
69 constitute a quorum, but the concurrence of a

70 majority of total members shall be required for
71 the determination of any matter within the task
72 force's duties.

73 5. The task force shall be staffed by
74 legislative personnel as is deemed necessary to
75 assist the task force in the performance of its
76 duties.

77 6. The members of the task force shall
78 serve without compensation, but may, subject to
79 appropriation, be entitled to reimbursement for
80 actual and necessary expenses incurred in the
81 performance of their official duties.

82 7. The task force shall submit a full
83 report of its activities, including the plan
84 developed under subsection 3 of this section, to
85 the general assembly on or before January 15,
86 2020. The task force shall send copies of the
87 report to the director of the division of
88 professional registration.]

2 [338.320. 1. There is hereby established
3 the "Missouri Electronic Prior Authorization
4 Committee" in order to facilitate, monitor, and
5 report to the general assembly on Missouri-based
6 efforts to contribute to the establishment of
7 national electronic prior authorization
8 standards. Such efforts shall include the
9 Missouri-based electronic prior authorization
10 pilot program established under subsection 5 of
11 this section and the study and dissemination of
12 information by the committee of the efforts of
13 the National Council on Prescription Drug
14 Programs (NCPDP) to develop national electronic
15 prior authorization standards. The committee
16 shall advise the general assembly and the
17 department of commerce and insurance as to
18 whether there is a need for administrative rules
19 to be promulgated by the department of commerce
20 and insurance as soon as practically possible.

21 2. The Missouri electronic prior
22 authorization committee shall consist of the
23 following members:

24 (1) Two members of the senate, appointed
by the president pro tempore of the senate;

- 25 (2) Two members of the house of
26 representatives, appointed by the speaker of the
27 house of representatives;
- 28 (3) One member from an organization of
29 licensed physicians in the state;
- 30 (4) One member who is a physician licensed
31 in Missouri pursuant to chapter 334;
- 32 (5) One member who is a representative of
33 a Missouri pharmacy benefit management company;
- 34 (6) One member from an organization
35 representing licensed pharmacists in the state;
- 36 (7) One member from the business community
37 representing businesses on health insurance
38 issues;
- 39 (8) One member from an organization
40 representing the leading research-based
41 pharmaceutical and biotechnology companies;
- 42 (9) One member from an organization
43 representing the largest generic pharmaceutical
44 trade association;
- 45 (10) One patient advocate;
- 46 (11) One member from an electronic
47 prescription network that facilitates the secure
48 electronic exchange of clinical information
49 between physicians, pharmacies, payers, and
50 pharmacy benefit managers and other health care
51 providers;
- 52 (12) One member from a Missouri-based
53 electronic health records company;
- 54 (13) One member from an organization
55 representing the largest number of hospitals in
56 the state;
- 57 (14) One member from a health carrier as
58 such term is defined under section 376.1350;
- 59 (15) One member from an organization
60 representing the largest number of health
61 carriers in the state, as such term is defined
62 under section 376.1350;
- 63 (16) The director of the department of
64 social services, or the director's designee;
- 65 (17) The director of the department of
66 commerce and insurance, who shall be chair of
67 the committee.

68 3. All of the members, except for the
69 members from the general assembly, shall be
70 appointed by the governor no later than
71 September 1, 2012, with the advice and consent
72 of the senate. The staff of the department of
73 commerce and insurance shall provide assistance
74 to the committee.

75 4. The duties of the committee shall be as
76 follows:

77 (1) Before February 1, 2019, monitor and
78 report to the general assembly on the Missouri-
79 based electronic prior authorization pilot
80 program created under subsection 5 of this
81 section including a report of the outcomes and
82 best practices developed as a result of the
83 pilot program and how such information can be
84 used to inform the national standard-setting
85 process;

86 (2) Obtain specific updates from the NCPDP
87 and other pharmacy benefit managers and vendors
88 that are currently engaged in pilot programs
89 working toward national electronic prior
90 authorization standards;

91 (3) Correspond and collaborate with the
92 NCPDP and other such pilots through the exchange
93 of information and ideas;

94 (4) Assist, when asked by the pharmacy
95 benefit manager, with the development of the
96 pilot program created under subsection 5 of this
97 section with an understanding of information on
98 the success and failures of other pilot programs
99 across the country;

100 (5) Prepare a report at the end of each
101 calendar year to be distributed to the general
102 assembly and governor with a summary of the
103 committee's progress and plans for the next
104 calendar year, including a report on Missouri-
105 based efforts to contribute to the establishment
106 of national electronic prior authorization
107 standards. Such annual report shall continue
108 until such time as the NCPDP has established
109 national electronic prior authorization
110 standards or this section has expired, whichever

111 is sooner. The first report shall be completed
112 before January 1, 2013;

113 (6) Upon the adoption of national
114 electronic prior authorization standards by the
115 NCPDP, prepare a final report to be distributed
116 to the general assembly and governor that
117 identifies the appropriate Missouri
118 administrative regulations, if any, that will
119 need to be promulgated by the department of
120 commerce and insurance, in order to make those
121 standards effective as soon as practically
122 possible, and advise the general assembly and
123 governor if there are any legislative actions
124 necessary to the furtherance of that end.

125 5. The department of commerce and
126 insurance and the Missouri electronic prior
127 authorization committee shall recruit a Missouri-
128 based pharmacy benefits manager doing business
129 nationally to volunteer to conduct an electronic
130 prior authorization pilot program in Missouri.
131 The pharmacy benefits manager conducting the
132 pilot program shall ensure that there are
133 adequate Missouri licensed physicians and an
134 electronic prior authorization vendor capable
135 and willing to participate in a Missouri-based
136 pilot program. Such pilot program established
137 under this section shall be operational by
138 January 1, 2014. The department and the
139 committee may provide advice or assistance to
140 the pharmacy benefit manager conducting the
141 pilot program but shall not maintain control or
142 lead with the direction of the pilot program.

143 6. Pursuant to section 23.253 of the
144 Missouri sunset act:

145 (1) The provisions of the new program
146 authorized under this section shall sunset
147 automatically six years after August 28, 2012,
148 unless reauthorized by an act of the general
149 assembly; and

150 (2) If such program is reauthorized, the
151 program authorized under this section shall
152 sunset automatically twelve years after the
153 effective date of the reauthorization of this
154 section; and

155 (3) This section shall terminate on
156 September first of the calendar year immediately
157 following the calendar year in which the program
158 authorized under this section is sunset.]

[354.215. The provisions of sections
2 374.261 to 374.269, which relate to the
3 insurance examiner's sick leave fund, shall
4 apply to health services corporations certified
5 to operate in this state in the same manner as
6 these sections now apply to those domestic
7 insurers which pay a premium tax and are engaged
8 in the business of insurance within this state.
9 The provisions of sections 374.261 to 374.269
10 shall also apply to examiners of the department
11 of commerce and insurance conducting
12 examinations under section 354.190 in the same
13 manner as these sections now apply to examiners
14 of the department of commerce and insurance
15 conducting examinations under section 374.190.]

[374.007. 1. The revisor of statutes
2 shall change all references in the revised
3 statutes of Missouri from "department of
4 insurance", "insurance department" or
5 "department of insurance, financial and
6 professional regulation" to "department of
7 insurance, financial institutions and
8 professional registration".

9 2. The revisor of statutes shall change
10 all references in the revised statutes of
11 Missouri from "director of insurance" or
12 "commissioner of insurance" to "director of the
13 department of insurance, financial institutions
14 and professional registration".]

[375.355. 1. Any insurance company
2 organized under the laws of this state may
3 hereafter, with the approval of the director
4 first obtained,

5 (1) Organize any subsidiary insurance
6 company in which it shall own and hold not less
7 than a majority of the common stock; or

8 (2) Acquire control of another insurance
9 company by purchase, merger or otherwise,

10 regardless of the domicile of any company so
11 organized or acquired, for the purpose of
12 operating any such company under a plan of
13 common control.

14 2. Whenever any insurance company shall
15 propose under the provisions of this section to
16 acquire control of another insurance company by
17 purchase, merger or otherwise or to dispose of
18 any stock so purchased or so acquired, it shall
19 present its petition to the director setting
20 forth the terms and conditions of the proposed
21 acquisition or disposition and praying for the
22 approval of the acquisition or disposition. The
23 director shall thereupon issue an order of
24 notice, requiring notice to be given, to the
25 policyholders of a mutual company and
26 stockholders of a stock company, of the pendency
27 of the petition, and the time and place at which
28 the same will be heard, by publication of the
29 order of notice in two daily newspapers
30 designated by the director for at least once a
31 week for two weeks before the time appointed for
32 the hearing upon the petition; and any further
33 notice which the director may require shall be
34 given by the petitioners. At the time and place
35 fixed in the notice, or at such time and place
36 as shall be fixed by adjournment, the director
37 shall proceed with the hearing, and may make
38 such examination into the affairs and conditions
39 of the companies as he may deem proper. For the
40 purpose of making the examination, or having the
41 same made, the director may employ the necessary
42 clerical, actuarial, legal, and other
43 assistance. The director of the department of
44 commerce and insurance of this state shall have
45 the same power to summon and compel the
46 attendance and testimony of witnesses and the
47 production of books and papers at the hearing as
48 by law granted in examinations of companies.
49 Any policyholder or stockholder of the company
50 or companies may appear before the director and
51 be heard in reference to the petition. The
52 director, if satisfied that the proposed
53 acquisition or disposition was properly approved

54 after notice as required by the articles and
55 bylaws of the company or companies, and that the
56 interest of the policyholders of the company or
57 companies is protected, and that no reasonable
58 objection exists as to the acquisition or
59 disposition, and that the acquisition will not
60 tend to substantially lessen competition or
61 create a monopoly, shall approve and authorize
62 the proposed acquisition or disposition. All
63 expenses and costs incident to the proceedings
64 under this subsection shall be paid by the
65 company or companies bringing the petition.

66 3. The shares of any subsidiary life
67 insurance company acquired or held under the
68 provisions of this section by a parent life
69 insurance company organized under the provisions
70 of chapter 376 shall be eligible for deposit by
71 the parent life insurance company as provided in
72 section 376.170 at a value no greater than the
73 proportion of the capital and surplus of the
74 subsidiary company as shown by its last annual
75 statement filed in the state of its domicile
76 represented by the shares held by the parent
77 life insurance company, but only to the extent
78 that the capital and surplus is represented by
79 cash or securities of the kind and type eligible
80 for deposit under the provisions of section
81 376.170 and other applicable statutes.

82 4. (1) The provisions of this section
83 shall not apply to the acquisition or
84 disposition by purchase, sale or otherwise of
85 not less than the majority of the stock of any
86 insurance company domiciled outside of the state
87 of Missouri, if the consideration involved in
88 such acquisition or disposition does not exceed
89 the following threshold:

90 (a) With respect to an insurance holding
91 company, so long as such consideration does not
92 exceed the lesser of three percent of its
93 consolidated assets or twenty percent of its
94 consolidated stockholders' equity as of the
95 thirty-first day of December of the preceding
96 year according to its consolidated balance sheet
97 prepared in accordance with generally accepted

98 accounting principles and audited by independent
99 certified accountants in accordance with
100 generally acceptable auditing standards; or

101 (b) With respect to an insurance company
102 organized under the laws of this state, so long
103 as such consideration does not exceed the lesser
104 of three percent of its assets or ten percent of
105 its capital and surplus as of the thirty-first
106 day of December of the preceding year according
107 to its balance sheet prepared in accordance with
108 accounting practices prescribed or permitted by
109 the department of commerce and insurance and in
110 conformity with the practices of the National
111 Association of Insurance Commissioners and
112 audited by independent certified accountants in
113 accordance with generally acceptable auditing
114 standards.

115 (2) In calculating the amount of
116 consideration involved in such acquisition or
117 disposition for the purposes of subdivision (1)
118 of this subsection, there shall be included
119 total net moneys or other consideration
120 expended, and obligations assumed in the
121 acquisition or disposition, including all
122 organizational expenses and contributions to
123 capital and surplus of such insurance company
124 domiciled outside of the state of Missouri,
125 whether represented by the purchase of capital
126 stock or issuance of other securities. For the
127 purposes of this subsection, the term "insurance
128 holding company" means a domestic insurance
129 holding company in which the majority of stock
130 is owned by a domestic insurance company, or a
131 domestic insurance holding company which owns
132 the majority of the stock of a domestic
133 insurance company.]

2 [375.380. 1. It shall not be lawful for
3 the directors, trustees or managers of any
4 insurance company to make any dividend, except
5 from the surplus profits arising from their
6 business, nor for any company to solicit or do
7 new business, when its assets are less than
three-fourths of its liabilities.

8 2. Any company violating the provisions
9 aforesaid shall be subject to proceedings for
10 dissolution.

11 3. Each stockholder in a stock company
12 receiving any dividend made in violation of the
13 above provision shall be liable to the creditors
14 of such company to the extent of the dividend
15 received, with compound interest on the same
16 from the date of its receipt, as well as the
17 costs of collecting the same, and the managers,
18 trustees or directors assenting to the same, or
19 any agent soliciting or doing new business,
20 knowing or having reasonable cause to believe
21 that such company is impaired as aforesaid,
22 shall be deemed guilty of a violation of the
23 provisions of this law, and shall be punished as
24 by sections 375.010 to 375.920 provided.]

 [375.480. 1. When any company, which has
2 on deposit the securities named in section
3 376.170 with the director of the department of
4 commerce and insurance, shall desire to
5 relinquish and cease its business in this state,
6 said director shall, upon application of such
7 company, under the oath of the president or vice
8 president and secretary or assistant secretary,
9 give notice of such intention in any newspaper
10 of general circulation published in the county
11 or city in which said company is located, if it
12 is a company of this state, or in some newspaper
13 published in the city of St. Louis, if it is a
14 company of another state or government, at least
15 twice a week for six weeks.

 2. After such publication he shall deliver
17 up and transfer to said company the securities
18 held by him and belonging to the company; but
19 before making such transfer, the director shall
20 be satisfied, by an examination of the books and
21 papers of such company, to be made by himself or
22 some competent person to be appointed by him, or
23 by the oath of the acting president and
24 secretary or assistant secretary of said company
25 if it be a company organized under the laws of
26 this state, that all debts and liabilities of

27 every kind that are due, or may become due, upon
28 all contracts or agreements made with the
29 policyholders in said company, or in any company
30 reinsured by said company, if the deposit is
31 that of a reinsured company and is held for the
32 security of the policyholders of said reinsured
33 company under sections 375.010 to 375.920, are
34 released, satisfied or extinguished; or if it be
35 a company not organized under the laws of this
36 state, that all debts and liabilities of every
37 kind, whether fixed or contingent, due or that
38 may become due to this state or to any county or
39 municipality or citizen thereof, are released,
40 satisfied or extinguished; and the said director
41 may, from time to time, authorize the delivery
42 in the manner aforesaid, to such company or its
43 assigns, of any portion of such securities, on
44 being satisfied in the manner and form
45 aforesaid, that all debts and liabilities of
46 every kind as aforesaid are less than one-half
47 the amount of the said securities which are
48 retained.]

[376.170. All life insurance companies
2 organized under the provisions of sections
3 376.010 to 376.670 shall deposit with the
4 director of the department of commerce and
5 insurance, in addition to other amounts required
6 by law to be deposited by life insurance
7 companies before such companies are permitted to
8 engage in the business of issuing policies of
9 life insurance and annuity bonds, cash or
10 securities of the kind and type in which life
11 insurance companies are required to invest their
12 funds under sections 376.291 to 376.307, as same
13 now is or as same may be hereafter amended, in
14 an amount sufficient to equal the net value on
15 all policies or annuity bonds hereafter issued
16 by such companies, the amount thereof to be
17 determined by an evaluation made in accord with
18 the provisions of sections 376.010 to 376.670.]

[376.180. 1. After making the deposits
2 mentioned in section 376.170, the company shall
3 issue its policies of insurance or annuity bonds

4 and each policy may have set out in the body
5 thereof the following: "This policy is
6 registered and the net reserves secured by a
7 pledge of bonds, deeds of trust on real estate
8 and other securities deposited with the
9 department of commerce and insurance of Missouri
10 as required by section 376.170, RSMo."

11 2. The company under the supervision of
12 the director shall prepare and keep a permanent
13 register thereof.

14 3. The provisions of this section
15 pertaining to the registration of policies shall
16 not apply to policies issued on the industrial
17 or prudential plans except when such policies
18 exceed one thousand dollars in amount, nor shall
19 the provisions of this section apply to term
20 policies of seven years or less and in amounts
21 of ten thousand dollars or less, or to policies
22 of group insurance or group annuity; except that
23 nothing contained herein shall be deemed to
24 prevent any policy from being registered
25 hereunder, if the company issuing the policy
26 shall so desire.]

[376.190. The director shall annually
2 cause the registered policies and annuity bonds
3 of each company outstanding and in force to be
4 carefully valued, and whenever the total of the
5 actual net value of such policies and annuity
6 bonds exceeds the market value of the securities
7 on deposit, the company issuing such policies or
8 annuity bonds shall immediately deposit
9 sufficient securities of the same kind and type
10 provided for in sections 376.291 to 376.307 to
11 equal the net value of such policies and annuity
12 bonds so that the market value of the securities
13 deposited shall always be equal to the actual
14 net value of the registered policies and annuity
15 bonds issued by such company and still in force.]

[376.210. Whenever the aggregate market
2 value of the securities deposited by any company
3 shall exceed the net reserve liability of the
4 company on all of its registered policies and
5 annuity bonds, the excess may be returned to the

6 company, or, whenever the liability of such
7 company on such policies shall cease, the
8 director of the department of commerce and
9 insurance shall return the securities deposited.]

[376.220. Should any company depositing
2 under section 376.170 become the owner of real
3 estate for its own use and accommodations, or
4 become temporarily seized and possessed of real
5 estate in satisfaction of debt for which such
6 real estate was pledged for security, such
7 company may execute its own note for the value
8 of such real estate, payable to the director, as
9 trustee, and secure the said notes or bonds by
10 duly recorded deeds of trust of said real
11 estate; which notes or bonds thus secured may be
12 deposited with said director as proper security,
13 under and according to the provisions of
14 sections 376.010 to 376.670, said value to be
15 subject to the approval of the director of the
16 department of commerce and insurance.]

[376.230. Any company shall have the right
2 at any time to change the securities on deposit
3 with the director of the department of commerce
4 and insurance by substituting a like amount of
5 the character required in the first instance and
6 to withdraw any excess of securities; and so
7 long as such company shall remain solvent, and
8 the amount of its deposits as herein required
9 are not impaired, it may collect the interest on
10 the securities deposited as the same accrues.]

[376.240. The securities deposited under
2 the provisions of section 376.170 shall be
3 legally transferred to the director of the
4 department of commerce and insurance, and so
5 large an amount thereof as may be necessary to
6 equal, at all times, the net value of the
7 outstanding registered policies and annuity
8 bonds, less such liens not exceeding such value
9 as the company may hold against them, shall be
10 held by him in trust for the purposes of
11 sections 376.010 to 376.670, until the
12 obligations of said companies, under said

13 registered policies and annuity bonds shall, to
14 the satisfaction of the said director, be fully
15 liquidated, cancelled or annulled.]

2 [376.250. The securities deposited under
3 section 376.170 shall be deposited and kept in
4 the same manner, but separate from other
deposits of the company.]

2 [376.260. The director of revenue, in
3 addition to other fees allowed by law, shall be
4 entitled to collect the following fees,
5 including seal, from companies depositing under
6 section 376.170: For issuing certificates of
7 deposits, which he is hereby required to do, one
8 dollar; for every other certificate, including
seal, the fee shall be twenty-five cents.]

2 [376.270. If at any time the affairs of
3 any life insurance company which has deposited
4 securities under section 376.170 shall, in the
5 opinion of the director, appear in such
6 condition as to render the issuing of additional
7 policies and annuity bonds by such company
8 injurious to the public interest, the director
9 may take the same proceedings against such
10 company as by law may be taken against other
11 insolvent companies; and said companies shall,
12 in all respects, be subject to the provisions of
law affecting other companies.]

2 [376.752. Any member insurer organized
3 under the provisions of sections 376.010 to
4 376.670, or under any general or special laws of
5 this state and transacting business of the
6 character designated in section 376.010, shall
7 be exempt from the provisions of section
8 376.170, relating to the amount required to be
9 deposited with the director equal to the net
10 value of all policies and annuity contracts;
11 provided, however, that the extent of such
12 exemption shall be eighty percent of such net
13 value in the calendar year during which this act
14 shall become effective, increasing by five
percent for each succeeding calendar year until

15 such exemption shall be equal to one hundred
16 percent of such net value.]

[377.005. As used in this chapter, unless
2 otherwise clearly indicated by the context, the
3 following words mean:

4 (1) "Department", the department of
5 commerce and insurance; and

6 (2) "Director", the director of the
7 department of commerce and insurance.]

[377.010. Every contract whereby a benefit
2 is to accrue to a person or persons named
3 therein, upon the death or physical disability
4 of a person also named therein, the payment of
5 which said benefit is in any manner or degree
6 dependent upon the collection of an assessment
7 upon persons holding similar contracts, shall be
8 deemed a contract of insurance upon the
9 assessment plan, and the business involving the
10 issuance of such contracts shall be carried on
11 in this state only by duly organized
12 corporations which shall be subject to the
13 provisions and requirements of sections 377.010
14 to 377.190.]

[377.020. 1. Any number of persons, not
2 less than seven, being citizens of the state of
3 Missouri, may upon application to the circuit
4 court of the county or city in which it is
5 proposed to locate the chief offices or place of
6 business, become a body politic or corporate
7 under the name and style designated in the
8 application, for the purpose of doing a life or
9 casualty, or life and casualty insurance
10 business on the assessment plan; said
11 application shall in all cases be accompanied by
12 the articles of association, or agreements,
13 setting forth specifically the objects and
14 purposes of the proposed corporation, as well as
15 the methods and plans by which its business
16 shall be conducted, and upon a hearing of the
17 same, the court may grant or reject the
18 application as it may deem best.]

19 2. If the application is granted it shall
20 be the duty of the applicant to cause a copy of
21 said articles, with a copy of the decree of the
22 court duly certified by the clerk thereof, and
23 by him endorsed on or attached thereto, to be
24 recorded in the office of the recorder of deeds
25 in the county in which said corporation is
26 located and then filed in the office of the
27 secretary of state.

28 3. The secretary of state shall thereupon
29 issue to the applicants aforesaid a certified
30 copy of the said articles, with the several
31 certificates thereon, as filed in his office,
32 which certified copy shall be the charter of
33 incorporation, and thereupon said applicants,
34 their associates and successors, shall be
35 created and be a body politic and corporate by
36 the corporate name as aforesaid, and such
37 charter, together with sections 377.010 to
38 377.190, shall be received in all courts and
39 places as legal evidence of the incorporation of
40 the said association, society or company;
41 provided, that no decree shall be made, and no
42 certificate of incorporation issued as aforesaid
43 until the director of the department of commerce
44 and insurance shall certify that the proposed
45 name of the corporation is not the same and does
46 not resemble the name of any other corporations
47 authorized to do business in this state, to the
48 extent of misleading the public, and further
49 that the society, association or company seeking
50 to be incorporated has secured applications for
51 not less than one hundred thousand dollars
52 insurance by not less than one hundred persons,
53 and that thirty thousand dollars in cash or
54 securities, approved by the director of the
55 department of commerce and insurance has been
56 deposited with the department of commerce and
57 insurance, which fund shall be held in trust as
58 a beneficiary fund by the said director of the
59 department of commerce and insurance. The term
60 "casualty insurance" as used in sections 377.010
61 to 377.190, inclusive, shall be construed to

62 mean only accident, health and hospitalization
63 insurance.

64 4. After September 1, 1953, no insurance
65 company as described herein may be incorporated
66 to do business on the assessment plan under the
67 provisions of sections 377.010 to 377.190. This
68 provision, however, shall not be construed as
69 restricting or abridging in any manner the right
70 to do business under the provisions of sections
71 377.010 to 377.190 of any insurance company now
72 incorporated and licensed to do business in this
73 state under the assessment plan.]

2 [377.030. 1. On written application by
3 the board of directors, the director of the
4 department of commerce and insurance shall
5 release to said company from the beneficiary
6 fund the amount herein stated for the purpose of
7 paying policy beneficiaries as provided later
8 herein.

9 2. The board of directors shall certify
10 the names of the beneficiaries and amounts in
11 claims to the director of the department of
12 commerce and insurance and that the money so
13 released is for no other purpose than to pay the
14 claims so certified.

15 3. However, the amount released from this
16 fund by the said director shall not exceed
17 twelve thousand dollars, which shall be used
18 solely for the purpose of paying beneficiaries.

19 4. Such funds so released shall be
20 replaced on deposit by the company within twelve
21 months in four equal installments, in three,
22 six, nine and twelve months from the date of
23 release. The director of the department of
24 commerce and insurance at his own discretion may
25 extend time of replacement of said funds, if, in
26 his judgment it is to the best interest of the
27 policyholders.

28 5. This section and section 377.020 shall
29 not apply to companies already incorporated and
30 existing under the laws of the state of
31 Missouri. Nothing in sections 377.010 to
377.190 shall prevent any such company or

32 association from engaging in both life and
33 casualty insurance and placing both a life and
34 casualty clause in the same policy.]

[377.040. 1. Any association, society or
2 company duly incorporated under the laws of this
3 state, having a bona fide membership of not less
4 than five hundred persons in good standing, and
5 who hold policies or certificates of insurance
6 therein in the aggregate of not less than five
7 hundred thousand dollars, may either
8 reincorporate, as herein provided for
9 incorporation, or become entitled to do business
10 in this state under the provisions of sections
11 377.010 to 377.190 in the manner following: A
12 declaration duly authorized by such corporation,
13 attested by its president and secretary, and
14 with its corporate seal attached, accompanied by
15 a copy of its charter, bylaws, rules and
16 regulations, shall be filed in the office of the
17 director of the department of commerce and
18 insurance showing the number of its members in
19 good standing, the aggregate amount of insurance
20 held by them, and that it has the amount of one
21 full assessment upon its members paid in and
22 deposited to its credit in bank, and that it
23 accepts fully and unconditionally the provisions
24 and requirements of sections 377.010 to 377.190,
25 and will conform to and abide by the same in
26 good faith.

27 2. The said director shall thereupon issue
28 his certificate to such corporation, setting out
29 the fact that, having complied with the
30 provisions of sections 377.010 to 377.190 in all
31 respects, it is then permitted and authorized to
32 do business in this state under the supervision
33 and control of said department, and subject to
34 the provisions of sections 377.010 to 377.190.]

[377.050. 1. Corporations organized or
2 doing the business of life insurance under
3 sections 377.010 to 377.190 shall provide for
4 the accumulation of an emergency fund, which
5 shall be not less than the proceeds of one death
6 assessment on all policy or certificate holders

7 thereof; corporations organized or doing the
8 business of casualty insurance under sections
9 377.010 to 377.190 shall provide in like manner
10 for the accumulation of an emergency fund, which
11 shall be equal to the amount of the maximum
12 policy or certificate which they issue. Said
13 fund shall be accumulated by existing
14 corporations within six months from the date of
15 accepting the provisions of sections 377.010 to
16 377.190, by all others within six months from
17 the date of their incorporation; which fund,
18 together with the income thereon, shall be a
19 trust fund for the payment of death claims or
20 other benefits provided for in their policies or
21 certificates, and shall be invested in
22 securities in which insurance companies are
23 allowed by law to invest their capital.

24 2. These securities shall be deposited in
25 trust with the director of the department of
26 commerce and insurance of the state, but the
27 corporation shall at all times have the right to
28 exchange any part of said securities for others
29 of a like amount and character.

30 3. If, in any period of six months, the
31 death rate of any such corporation shall be in
32 excess of the annual rate of mortality as shown
33 by the American life tables, it shall be lawful
34 for such corporation to draw out any portion of
35 said securities necessary to meet such excess,
36 by requisition signed by two-thirds of its
37 directors, which, upon proper proof of said
38 facts to the state director of the department of
39 commerce and insurance, shall also be endorsed
40 by him setting forth that the same is to be used
41 for the purposes of said trust.

42 4. In case the amount so drawn out shall
43 reduce such fund below the amount so required to
44 be provided for, it shall be the duty of said
45 corporation to make up the said deficiency
46 within six months thereafter; said securities to
47 be deposited in some safe deposit in the city of
48 St. Louis, to the joint credit of the director
49 of the department of commerce and insurance and
50 the corporation making the deposit.]

2 [377.060. Every policy or certificate
3 hereafter issued by any corporation of this
4 state doing business in conformity with the
5 provisions of sections 377.010 to 377.190, and
6 promising a payment to be made upon a
7 contingency of death, sickness, disability or
8 accident, shall specify the exact sum of money
9 which it promises to pay upon each contingency
10 insured against, and the number of days after
11 satisfactory proof of the happening of such
12 contingency at which such payment shall be made,
13 and upon the occurrence of such contingency,
14 unless the contract shall have been voided for
15 fraud or breach of its conditions, the
16 corporation shall be obligated to the
17 beneficiary for such payment at the time and to
18 the amount specified in the policy or
19 certificate; and the said indebtedness shall be
20 a lien upon all the property, effects and bills
21 receivable of the corporation, with priority
22 over all indebtedness thereafter incurred,
23 except as may be provided by the law in case of
24 the distribution of assets of an insolvent
corporation.]

2 [377.070. If the corporation refuses or
3 fails to make such payment for thirty days after
4 final judgment against said corporation, the
5 failure to pay the amount of such final judgment
6 within said period of thirty days shall ipso
7 facto constitute a forfeiture of the charter of
8 such corporation, and it shall be the duty of
9 the director of the department of commerce and
10 insurance forthwith to cause proceedings by quo
11 warranto to be instituted against said
12 corporation for the purpose of ousting it of its
13 charter; and upon the dissolution of said
14 corporation, the director of the department of
15 commerce and insurance shall take charge of its
16 assets and affairs, and wind up the same, as now
17 provided by law in the case of life insurance
companies.]

2 [377.080. 1. No corporation doing
business pursuant to sections 377.010 to 377.190

3 shall issue a certificate or policy upon the
4 life of any person who at nearest birthday is
5 more than sixty years of age, nor upon any life
6 in which the beneficiary named has no insurable
7 interest, nor as an endowment to any insured
8 person while living, and every call for payments
9 by the policy or certificate holders shall
10 distinctly state the purposes of the same.

11 2. Any assignment of a policy or
12 certificate to a person having no insurable
13 interest in the insured life shall render such
14 assignments void and of no effect.

15 3. A charitable, benevolent, educational
16 or religious institution qualified pursuant to
17 section 501(c) (3) of the federal Internal
18 Revenue Code, as amended, shall be deemed to
19 have an insurable interest in the life of an
20 insured individual if, in the absence of any
21 fraud or coercion:

22 (1) The individual has designated the
23 institution as a beneficiary;

24 (2) The individual has made a gift or an
25 assignment of an interest in life insurance on
26 the life of such insured individual; or

27 (3) The life insurance is owned by such
28 charitable, benevolent, educational or religious
29 institution and such institution has obtained
30 the consent of the person whose life is being
31 insured, as required by section 376.531.]

[377.090. The money or other benefit,
2 charity, relief or aid to be paid, provided or
3 rendered by any corporation authorized to do
4 business under sections 377.010 to 377.190,
5 shall not be liable to attachment or other
6 process, and shall not be seized, taken,
7 appropriated or applied by any legal or
8 equitable process, nor by operation of law, to
9 pay any debt or liability of a policy or
10 certificate holder, or any beneficiary named in
11 a policy or certificate.]

[377.100. Every corporation doing business
2 under sections 377.010 to 377.190 shall
3 annually, on or before the first day of

4 February, return to the director of the
5 department of commerce and insurance, in such
6 manner and form as he shall prescribe, a
7 statement of its affairs for the year ending on
8 the preceding thirty-first day of December, and
9 the director, in person or by deputy, shall have
10 the power of visitation of and examination into
11 the affairs of any such corporation, which is
12 conferred upon him in the case of life insurance
13 companies by the laws of this state; and all
14 companies are hereby declared to be subject to
15 and required to conform to the provisions of
16 chapters 374 and 375, and sections 376.291 to
17 376.330, 376.580, 376.610 and 376.620, and
18 governed and controlled by all the provisions in
19 said sections contained; provided, always, that
20 nothing herein contained shall subject any
21 corporation doing business under sections
22 377.010 to 377.190 to any other provisions or
23 requirements of the general insurance laws of
24 this state, except as distinctly herein set
25 forth and provided.]

[377.120. No corporation of this state,
2 organized or doing business under the provisions
3 of sections 377.010 to 377.190, shall transfer
4 its risks to or reinsure them in any other
5 corporation, unless the contract of transfer or
6 reinsurance is first submitted to and approved
7 by a two-thirds vote of a meeting of the
8 insured, called to consider the same, of which
9 meeting a written or printed notice shall be
10 mailed to each policy or certificate holder, at
11 least ten days before the day fixed for said
12 meeting; and in case said transfer or
13 reinsurance shall be approved, every policy or
14 certificate holder of said corporation who shall
15 file with the secretary thereof, within five
16 days after said meeting, written notice of his
17 preference to be transferred to some other
18 corporation than that named in the contract,
19 shall be accorded all the rights and privileges
20 in aid of such transfer as would have been
21 accorded under the terms of said contract had he

22 been transferred to the corporation named
23 therein; but no such transfer shall be valid
24 until the terms and conditions shall have been
25 fully submitted to the director of the
26 department of commerce and insurance, and have
27 been approved by him.]

[377.150. When any other state or country
2 shall impose any obligations upon such
3 corporation, the like obligations shall be
4 imposed and enforced by the department of
5 commerce and insurance of this state upon
6 similar corporations and their agents of such
7 state or country doing business in this state.]

[377.160. Before any foreign insurance
2 company doing business under the assessment plan
3 shall be authorized to do business in this
4 state, it shall deposit, and always keep on
5 deposit, with the director of the department of
6 commerce and insurance of this state, the sum of
7 two thousand dollars, or secure the same to the
8 satisfaction of the director, to indemnify the
9 state against costs and expense for the
10 prosecution of the company for violations of the
11 law, and to pay the costs and expenses of the
12 examination of the company, which the director
13 may make or cause to be made.]

[377.170. 1. Any domestic life or
2 accident insurance corporation, company or
3 association existing or doing business in this
4 state under sections 377.010 to 377.190,
5 providing for insurance on the assessment plan,
6 may, by a majority vote of its directors or
7 trustees, accept the provisions of sections
8 376.010 to 376.670 and amend its articles of
9 incorporation and its bylaws to conform to said
10 sections, the same as if it had originally been
11 incorporated thereunder, and shall submit a
12 record of the proceedings of its board of
13 trustees together with the amended articles to
14 the attorney general for his examination and
15 approval of the legal form thereof, and shall
16 file such amended articles in the office of the

17 secretary of state, and a certified copy of the
18 same in the office of the director of the
19 department of commerce and insurance of the
20 state of Missouri, and deposit with said
21 director such securities as may be required of
22 corporations originally incorporated under
23 sections 376.010 to 376.670.

24 2. Insurance corporations, companies and
25 associations complying with the provisions of
26 this section shall thereafter enjoy and exercise
27 all of the rights and privileges accorded by law
28 to companies originally incorporated under
29 sections 376.010 to 376.670.

30 3. Compliance with this section shall in
31 no wise annul, modify or change any of the
32 existing contracts or obligations of the
33 corporation, and any and all such contracts and
34 liabilities shall continue in force and effect
35 the same as if such corporation had not
36 reincorporated under the provisions of this
37 section, but all contracts and policies made
38 subsequent to the compliance with the provisions
39 of this section shall be interpreted and
40 construed under the provisions of sections
41 376.010 to 376.670.

42 4. Compliance with the provisions of this
43 section shall in no wise prejudice, impede or
44 impair any pending action, proceeding or rights
45 previously acquired.]

2 [377.180. Nothing in sections 377.010 to
3 377.190 shall be so construed as to impair or in
4 any manner to interfere with any of the rights
5 or privileges of any corporation, association or
6 organization doing a life or casualty insurance
7 business in this state under the laws as they
8 now exist; nor as applicable to organizations
9 which conduct their business as fraternal
10 societies on the lodge system, and limit their
11 certificate holders to a particular order or
12 fraternity, or to fraternal beneficiary
13 societies which provide for the relief and
14 benefit of its members or the families, widows,
orphans or other kindred dependents of deceased

15 members, or assist such as may be sick or
16 disabled, from the proceeds of assessments upon
17 members of such society or association, and, to
18 that end, issue to its members beneficial
19 certificates, payable at such time and in such
20 manner as shall be therein provided.]

[377.190. Any solicitor, agent or
2 examining physician, who shall knowingly or
3 willfully make any false or fraudulent statement
4 or misrepresentation in or with reference to any
5 application for insurance, or for the purpose of
6 obtaining any money or benefit in any
7 corporation doing business under sections
8 377.010 to 377.190, shall be guilty of a
9 misdemeanor, and upon conviction shall be
10 punished by a fine of not less than one hundred
11 dollars nor more than five hundred dollars, or
12 imprisonment in the county jail for not less
13 than thirty days nor more than one year, or by
14 both such fine and imprisonment, at the
15 discretion of the court; and any person who
16 shall willfully make a false statement of any
17 material fact or thing in a sworn statement as
18 to death or disability of a certificate holder
19 in any such corporation, for the purpose of
20 procuring payment of a benefit named in the
21 certificate of such holder, shall be guilty of
22 perjury, and shall be proceeded against and
23 punished as provided by the statutes of this
24 state in relation to the crime of perjury.]

[377.199. From and after the effective
2 date of this section no stipulated premium plan
3 life insurance company shall be organized or
4 incorporated under the provisions of sections
5 377.200 to 377.460, but nothing in this section
6 shall be construed as restricting or abridging
7 in any manner the right of any stipulated
8 premium plan life insurance company now
9 incorporated and licensed to do business in this
10 state from continuing to do business under the
11 provisions of sections 377.200 to 377.460.]

2 [377.200. Any corporation, company or
3 association issuing policies or certificates
4 promising money or other benefits to a member or
5 policyholder, or upon his decease to his legal
6 representatives, or to beneficiaries designated
7 by him, which money or benefit is derived from
8 stipulated premiums collected in advance from
9 its members or policyholders, and from interest
10 and other accumulations and wherein the money or
11 other benefits so realized is applied to or
12 accumulated solely for the use and purposes of
13 the corporation as herein specified, and for the
14 necessary expenses of the corporation, and the
15 prosecution and enlargement of its business, and
16 which shall comply with all the provisions of
17 sections 377.200 to 377.460, shall be deemed to
18 be engaged in the business of life insurance
19 upon the stipulated premium plan and shall be
20 subject only to the provisions of sections
21 377.200 to 377.460, except that the provisions
22 of chapters 374 and 375, and sections 376.291 to
23 376.330, 376.675, 376.770 to 376.795, 376.500 to
24 376.510, and 376.590 to 376.600 shall be
25 applicable. It shall be unlawful for any
26 corporation, company or association not having
27 complied with the provisions of sections 377.200
28 to 377.460 to use the term "stipulated premium"
29 in its application or contracts, or to print or
write the same in its policies or literature.]

2 [377.210. Any number of persons, not less
3 than seven, a majority of whom being citizens
4 and residents of the state of Missouri, may
5 associate themselves and form a company, for the
6 purpose of making insurance on the lives of
7 individuals, and every insurance pertaining
8 thereto or connected therewith on the stipulated
9 premium plan, as defined and regulated herein,
10 and may provide for indemnity against death or
11 disability of the insured occasioned by
sickness, accident, old age or otherwise.]

2 [377.220. 1. The persons mentioned in
3 section 377.210 shall be designated as
corporators, and such persons shall associate

4 themselves by articles of agreement, in writing,
5 duly signed and acknowledged, setting forth:

6 (1) The corporate name of the proposed
7 corporation, which shall not be the name of any
8 corporation heretofore incorporated or doing
9 business in this state for similar purposes, or
10 any such imitation of such name calculated to
11 mislead the public;

12 (2) The name of the city, town or county
13 in which the principal office is located;

14 (3) The amount of the capital stock of the
15 corporation, provided the same be a stock
16 company, which shall not be less than fifty
17 thousand dollars and a surplus of not less than
18 fifty thousand dollars, the number of shares
19 into which the capital stock is divided, and the
20 par value thereof, that the same has been bona
21 fide subscribed, and actually paid up in lawful
22 money of the United States, and is in the
23 custody of the persons named as the first board
24 of directors; the name and place of the several
25 shareholders and the number of shares subscribed
26 by each;

27 (4) The number of the board of directors
28 or managers, which shall be not less than seven,
29 their powers and duties and the names agreed
30 upon for the first year;

31 (5) The number of years the corporation is
32 to continue;

33 (6) A statement that the company is formed
34 for the purpose of carrying on the business of
35 insurance under the provisions of sections
36 377.200 to 377.460;

37 (7) Any other provision of this section
38 notwithstanding, a stipulated premium life
39 insurance company licensed to do business in
40 this state on October 13, 1963, may renew its
41 license for business specified therein until
42 December 31, 1965, by maintaining in lieu of the
43 capital and surplus requirements an actual
44 capital of at least twenty-five thousand dollars.

45 2. Said articles of agreement shall be
46 submitted to the director of the department of
47 commerce and insurance and attorney general, and

48 if they are found by these officers to comply
49 with the provisions of sections 377.200 to
50 377.460, they shall approve the same.

51 3. When approved, they shall be filed and
52 recorded in the office of the secretary of
53 state, who shall issue a certificate of
54 incorporation, upon the receipt of which such
55 persons shall be a body corporate and politic,
56 under the statutes of this state.]

[377.230. 1. No such corporation, company
2 or association shall commence the business of
3 life insurance until at least two hundred
4 persons, eligible under the proposed plan of
5 organization, shall have subscribed, in writing,
6 to be insured therein in the aggregate amount of
7 at least two hundred and fifty thousand dollars,
8 and shall have each paid, in cash, the amount of
9 one annual stipulated net premium for their age
10 at entry on the amount of insurance severally
11 subscribed for, and which shall be held in trust
12 for the benefit of the members of said
13 corporation or their beneficiaries; nor until
14 the director of the department of commerce and
15 insurance and attorney general shall have
16 further certified that it has complied with the
17 provisions of sections 377.200 to 377.460, and
18 is authorized to transact the business of
19 insurance; provided, however, that every
20 corporation incorporating or reincorporating
21 under the provisions of sections 377.200 to
22 377.460 shall deposit with the director of the
23 department of commerce and insurance such
24 securities as are required by law to be
25 deposited by insurance companies, the sum of
26 five thousand dollars, before it shall commence
27 business.

28 2. Said five thousand dollars shall be a
29 part of the insurance fund and an asset of the
30 corporation.

31 3. The securities deposited with the
32 department of commerce and insurance pursuant to
33 this section shall be held by the director in
34 trust for the benefit and protection of and as

35 security for the policyholders of such
36 corporation, their legal representatives and
37 beneficiaries.]

[377.240. 1. When any such corporation,
2 company or association shall desire to
3 relinquish its business in this state, the
4 director shall, on application of such
5 corporation under oath of its president or
6 principal officer and secretary or actuary, give
7 notice of such intention at least twice in a
8 newspaper of general circulation published at
9 the state capitol.

10 2. After such publication he shall deliver
11 up to said corporation the securities, or any
12 portion thereof, held by him belonging to such
13 corporation upon being satisfied that all the
14 debts and liabilities of every kind are paid or
15 provided for.]

[377.250. 1. Every corporation, company
2 or association doing business under the
3 provisions of sections 377.200 to 377.460 shall
4 charge a mortuary premium at least equal to that
5 of yearly term insurance at age of entry
6 according to the actuaries' or combined
7 experience mortality table, with interest at
8 four percent, and such mortuary premium shall be
9 increased by a loading of not less than twenty
10 percent for age twenty and all ages under
11 twenty, and one percent additional for each
12 additional year of age, renewable term policies
13 excepted from such loading.

14 2. Said premium may be paid annually,
15 semiannually, quarterly, bimonthly or monthly in
16 advance.]

[377.260. 1. After the first policy year
2 the mortuary premium, according to the terms of
3 premium payments of each policy, with the
4 loading of the same as provided in section
5 377.250, together with all interest and other
6 accumulations of said fund, except the special
7 loading for limited payment policies, with
8 interest thereon as provided in section 377.270,

9 shall constitute the insurance fund of the
10 corporation, company, or association from which
11 all policy obligations shall be paid, and the
12 amount remaining in said fund not required to
13 provide for death, disability and other policy
14 claims, shall be set aside as an emergency fund,
15 and may be deposited with the department of
16 commerce and insurance.

17 2. If by any reason of excessive
18 mortality, or other cause, the emergency fund as
19 thus constituted shall become exhausted, then
20 the director of the department of commerce and
21 insurance shall require the officers of such
22 corporation, company or association to notify
23 all policyholders on or before the first of the
24 next succeeding month to pay, within thirty days
25 from the mailing of such notice, an extra
26 premium, sufficient to meet the amount of the
27 maximum policy issued apportioned equitably.

28 3. If any member fails to pay such extra
29 premium within the time named his policy shall
30 be commuted proportionately, and the policy as
31 thus commuted shall be the maximum amount for
32 which the corporation shall be liable under said
33 policy. Said thirty days' notice shall clearly
34 state the proportionate amount due from the
35 insured, and shall contain the further statement
36 that in the event of failure to pay the same
37 within thirty days said policy will be commuted
38 as aforesaid.]

2 [377.270. 1. Any corporation, company or
3 association transacting business under the
4 provisions of sections 377.200 to 377.460 may
5 issue limited payment or any form of investment
6 policies; provided, that the premiums shall not
7 be less than the net term rate for the kind of
8 policy issued, increased by such sum as will,
9 improved at four percent, equal the net single
10 premium for the attained age, at the end of the
11 paying term of the policy, according to the
12 actuaries' or combined experience table of
mortality on which its calculations are based.

13 2. Said increase of premium shall be
14 reserved in a separate fund for the purpose of
15 sustaining such policies after the cessation of
16 premium payments, and shall be deposited with
17 the department of commerce and insurance in such
18 securities as are now required by law.

19 3. If any such corporation doing business
20 under the provisions of sections 377.200 to
21 377.460 shall fail to state in its limited
22 payment policies the portion of each of the
23 premiums to be held by it for the purpose of
24 sustaining the policy after the years during
25 which the premiums are to be paid, then all such
26 limited payment policies or investment policies
27 that may be issued shall be valued according to
28 the actuaries' or combined experience table and
29 interest at four percent.]

 [377.280. Any corporation, company or
2 association transacting business under the
3 provisions of sections 377.200 to 377.460, may
4 allow cash values on its policies or the
5 equivalent of the cash value in extended or paid-
6 up insurance to the extent of the unused portion
7 of the emergency fund equitably apportioned at
8 the dates of surrender, and may allow fixed cash
9 values on its limited payment or investment
10 policies, or the equivalent of the cash value in
11 extended or paid-up insurance; provided, the
12 amount to be set apart for such fixed cash value
13 or its equivalent is plainly stated in the
14 policy; and provided further, that such fixed
15 cash value shall not be in excess of the portion
16 of the premium with interest accretions thereon
17 collected for that purpose.]

 [377.290. Any corporation, company or
2 association may provide for a return of any
3 surplus accumulations on its limited payment or
4 investment policies, which may be returned as a
5 dividend, or in extended, paid-up or increased
6 insurance.]

 [377.300. 1. Every policy hereafter
2 issued by any corporation, company or

3 association doing business under the provisions
4 of sections 377.200 to 377.460 and promising any
5 payments to be made upon a contingency provided
6 for in sections 377.200 to 377.460, shall
7 specify the sum of money which it promises to
8 pay upon each contingency insured against and
9 the time or times of payment after satisfactory
10 proof of the happening of such contingency,
11 unless the contract shall have been voided by
12 fraud or breach of its conditions and
13 warranties, or commuted, as provided for in
14 section 377.260, the company shall be obligated
15 to the beneficiaries of the insured for such
16 payment at the time or times specified and to
17 the amount due under the policy.

18 2. If any company fail or refuse to make
19 such payment for ninety days after final
20 judgment has been obtained under such claim, the
21 director or other officer charged with the
22 supervision of insurance matters shall notify
23 the company to issue no new policies until such
24 indebtedness is fully paid, and no officer or
25 agent of the company shall make, sign or issue
26 any policy of insurance while such notice is in
27 force.]

[377.310. 1. No corporation, company or
2 association transacting business pursuant to
3 sections 377.200 to 377.460 shall issue a
4 certificate or policy to any person until the
5 applicant has been examined by a physician duly
6 licensed and appointed by the company as its
7 medical examiner, nor unless the beneficiary
8 named in the certificate or policy is the
9 husband, wife, legal representative, relative,
10 heir, creditor or legatee of the insured, or who
11 may have an insurable interest in the insured.

12 2. The beneficiary named in the
13 certificate or policy may be changed as may be
14 provided for in the articles of incorporation or
15 bylaws, except that no change shall be made from
16 a wife to a creditor without her written consent.

17 3. A charitable, benevolent, educational
18 or religious institution qualified pursuant to

19 section 501(c)(3) of the federal Internal
20 Revenue Code, as amended, shall be deemed to
21 have an insurable interest in the life of an
22 insured individual if, in the absence of any
23 fraud or coercion:

24 (1) The individual has designated the
25 institution as a beneficiary;

26 (2) The individual has made a gift or an
27 assignment of an interest in life insurance on
28 the life of such insured individual; or

29 (3) The life insurance is owned by such
30 charitable, benevolent, educational or religious
31 institution and such institution has obtained
32 the consent of the person whose life is being
33 insured, as required by section 376.531.]

[377.320. In the event of death after any
2 policy of insurance has been issued by any
3 corporation, company or association, doing
4 business under the provisions of sections
5 377.200 to 377.460, and after the policy has
6 been in force for the period of one full year,
7 then such policy of insurance shall be
8 incontestable for any cause.]

[377.330. The money or other benefit,
2 charity, relief or aid to be paid, provided or
3 rendered by any corporation authorized to do
4 business under sections 377.200 to 377.460,
5 shall not be liable to attachment or other
6 process, and shall not be seized, taken,
7 appropriated or applied by any legal or
8 equitable process, nor by operation of law, to
9 pay any debt or liability of a policy or
10 certificate holder, or of any beneficiary named
11 in a policy or certificate.]

[377.340. No representation made in
2 obtaining or securing a policy of insurance on
3 the life or lives of any person or persons shall
4 be deemed material, or render the policy void,
5 unless the matter misrepresented shall have
6 actually contributed to the contingency or event
7 on which the policy is to become due and

8 payable, and if so contributed in any case,
9 shall be a question for the jury.]

[377.350. Every corporation, company or
2 association transacting business under the
3 provisions of sections 377.200 to 377.460 shall,
4 upon the issuance of every policy, attach to
5 such policy or endorse thereon the substance of
6 the application upon which such policy was
7 issued, and which is made a part of the contract
8 of insurance, or referred to therein, or which
9 may in any manner affect the validity of such
10 policy.]

[377.360. 1. No corporation, company or
2 association transacting business under the
3 provisions of sections 377.200 to 377.460 shall
4 make any discrimination in favor of holders of
5 the same kind of policies, or persons of the
6 same expectation of life, neither in the amount
7 of premiums charged nor in any return of
8 premiums, dividends or other advantages.

9 2. No agent of such corporation shall make
10 any contract for insurance or agreement as to
11 such contract, other than that which is plainly
12 expressed in the policy issued.

13 3. If it shall appear to the satisfaction
14 of the director or other official charged with
15 the supervision of insurance matters, that any
16 corporation, company or association is issuing
17 policies or contracts that are in violation of
18 this section, he shall report the same to the
19 attorney general, who shall require such
20 corporation and its officers and agents within
21 thirty days to refrain from issuing any such
22 policy or contract.

23 4. If any corporation or officer or agent
24 thereof shall fail to comply with the provisions
25 of this section and with the demand of the
26 attorney general, that officer shall at once
27 institute such proceedings at law as may be
28 necessary to restrain such violation of this
29 section.]

2 [377.370. No person shall incur any
3 personal liabilities for the losses or
4 liabilities of any corporation, company or
5 association transacting business under the
6 provisions of sections 377.200 to 377.460 by
7 reason of being a member or policyholder in such
corporation.]

2 [377.380. The annual business of each and
3 every corporation, company or association
4 transacting business under the provisions of
5 sections 377.200 to 377.460 shall close on the
6 thirty-first day of December of each year, and
7 it shall, within sixty days thereafter, prepare
8 and file in the office of the director or other
9 officer having supervision of insurance matters,
10 a detailed statement, made upon blanks furnished
11 by the department of commerce and insurance, and
12 verified under oath by the president and
13 secretary of the company or association, giving
14 all information in detail that the department of
15 commerce and insurance may require, so that its
true financial condition may be known.]

2 [377.400. No stipulated premium life
3 insurance company or association organized under
4 sections 377.200 to 377.460 shall consolidate
5 with another company or transfer or reinsure its
6 risks with any other company or association or
7 assume or reinstate the whole or any part of the
8 risks of any other company or association,
9 except with the approval of a majority of the
10 policy or stockholders present and voting at a
11 regular or special meeting duly called;
12 provided, however, that any such company may
13 reinsure a fractional part of any single risk,
14 but no such insurance shall in any manner
15 release the company or association from its
16 obligation under contract with the
17 policyholder. All such reinsurance shall be
18 reported annually to the director of the
department of commerce and insurance.]

2 [377.420. When any state, territory or
foreign country shall impose any obligations

3 upon any such corporation of this state, or
4 their agents transacting business in such other
5 state, territory or foreign country, the like
6 obligations are hereby imposed upon similar
7 corporations of such other state, territory or
8 foreign country, their agents or representatives
9 transacting business in this state; and such
10 corporation, company, association or society of
11 such other state, territory or foreign country,
12 and its agents and representatives shall pay all
13 licenses, fees or penalties to, and make
14 deposits with the director of insurance imposed
15 by the laws of such other state, territory or
16 foreign country upon any corporation of this
17 state doing business therein; and in case of
18 failure to pay the same, the director shall
19 refuse the certificate of authority herein
20 provided for or cancel such certificate, if one
21 shall have been previously issued.]

[377.430. 1. No foreign corporation,
2 company, association or society shall be
3 authorized to transact any business authorized
4 by sections 377.200 to 377.460 within this
5 state, unless it furnish evidence satisfactory
6 to the director of the department of commerce
7 and insurance that it has a reserve or emergency
8 fund equal in amount to that required by
9 sections 377.200 to 377.460, and the same is
10 held for the benefit of policyholders only, and
11 invested as required by the insurance laws of
12 its home state.

2. Neither shall any foreign corporation,
14 company, association or society be authorized to
15 do business in this state under sections 377.200
16 to 377.460, unless it collects in advance for
17 the benefit of its policyholders a net premium
18 equal to at least that provided for by the terms
19 of sections 377.200 to 377.460; provided, that
20 all such foreign corporations shall annually pay
21 a tax on the gross premiums received in this
22 state on account of business done in the state
23 at the rate of one percent per annum, which
24 shall be in lieu of all other taxes as herein

25 otherwise provided; said tax shall be levied and
26 collected as is provided for in the collection
27 of taxes on other insurance companies.]

[377.450. 1. Any domestic life or
2 accident insurance corporation, company or
3 association existing or doing business in this
4 state under the stipulated premium plan law,
5 may, by a majority vote of its directors or
6 trustees, accept the provisions of sections
7 376.010 to 376.670 and amend its articles of
8 incorporation and its bylaws to conform to said
9 law, the same as if it had originally been
10 incorporated thereunder, and shall submit a
11 record of the proceedings of its board of
12 trustees, together with the amended articles, to
13 the attorney general for his examination and
14 approval of the legal form thereof, and shall
15 file such amended articles in the office of the
16 secretary of state and a certified copy of same
17 in the office of the director of the department
18 of commerce and insurance, and deposit with said
19 director such securities as may be required of
20 corporations originally incorporated under
21 sections 376.010 to 376.670.

22 2. Insurance corporations, companies and
23 associations complying with the provisions of
24 this section shall thereafter enjoy and exercise
25 all of the rights and privileges accorded by law
26 to companies originally incorporated under
27 sections 376.010 to 376.670.

28 3. Compliance with this section shall in
29 no wise annul, modify or change any of the
30 existing contracts or obligations of the
31 corporation, and any and all such contracts and
32 liabilities shall continue in force and effect
33 the same as if such corporation had not
34 reincorporated under the provisions of this
35 section; compliance with the provisions of this
36 section shall in no way prejudice, impede or
37 impair any pending action, proceeding or rights
38 previously acquired.]

[377.460. Any solicitor, agent, examining
2 physician or other person who shall make a false

3 or fraudulent statement or misrepresentation in
4 or with reference to any application for
5 insurance, or for the purpose of obtaining any
6 money or benefit in any corporation doing
7 business under sections 377.200 to 377.460,
8 shall be guilty of a misdemeanor, and upon
9 conviction, shall be punished by a fine of not
10 less than one hundred dollars nor more than five
11 hundred dollars, or by imprisonment in the
12 county jail for not less than thirty days nor
13 more than one year, or by both such fine and
14 imprisonment, at the discretion of the court;
15 and any person who shall make a false statement
16 of any material fact or thing in a sworn
17 statement as to the death or disability of a
18 certificate holder in any such corporation, for
19 the purpose of procuring payment of a benefit
20 named in the certificate of such holder, shall
21 be guilty of perjury and shall be proceeded
22 against and punished as provided by the statutes
23 of this state in relation to the crime of
24 perjury; and any person who shall make any false
25 or fraudulent statement or misrepresentation
26 with reference to any corporation, company or
27 association transacting business under the
28 provisions of sections 377.200 to 377.460 shall
29 be guilty of a misdemeanor, and upon conviction,
30 shall be punished by a fine of not less than one
31 hundred dollars nor more than five hundred
32 dollars, or imprisonment in the county jail for
33 not less than thirty days nor more than one
34 year, or both such fine and imprisonment, at the
35 discretion of the court.]

2 [379.205. A number of persons, not less
3 than twenty-five, a majority of whom shall be
4 bona fide residents of this state, by complying
5 with the provisions of sections 379.205 to
6 379.310, may become together with others who may
7 hereafter be associated with them or their
8 successors, a body corporate for the purpose of
9 carrying on the business of mutual insurance as
herein provided.]

2 [379.210. Any persons proposing to form
3 any such company shall subscribe and acknowledge
4 articles of incorporation specifying:

5 (1) The name, the purpose for which
6 formed, and the location of its principal or
7 home office, which shall be within this state;

8 (2) The names and addresses of those
9 composing the board of directors in which the
10 management shall be vested until the first
11 meeting of the members;

12 (3) The names and places of residence of
the incorporators.]

2 [379.215. No name shall be adopted by such
3 company which does not contain the word "mutual"
4 or which is so similar to any name already in
5 use by any such existing corporation, company or
6 association, organized or doing business in the
United States, as to be confusing or misleading.]

2 [379.220. 1. Such articles shall be
3 submitted to the director of the department of
4 commerce and insurance, herein called "director".

5 2. Such publication shall be made as
6 required by section 379.030, and upon proof of
7 publication being made and approval of said
8 articles by the attorney general as required by
9 section 379.040, such articles shall be recorded
10 by the director, who shall furnish a certified
11 copy thereof to the incorporators and shall file
12 a certified copy thereof with the secretary of
state.

13 3. The secretary of state shall thereupon
14 issue to the company a certificate of
15 incorporation, which shall be its authority to
16 begin business.

17 4. Such articles may be amended in the
18 manner provided for other corporations or as may
19 be provided in such articles.]

2 [379.225. 1. The company shall have legal
3 existence from and after date of such
4 certificate.

5 2. The board of directors named in such
articles may thereupon adopt bylaws, accept

6 applications for insurance, and proceed to
7 transact the business of such company; provided,
8 that no insurance shall be put into force until
9 the company has been licensed to transact
10 insurance as provided by sections 379.205 to
11 379.310.

12 3. Such bylaws and any amendments thereto
13 shall within thirty days after adoption be filed
14 with said director.]

[379.230. Any company organized under the
2 provisions of sections 379.205 to 379.310 is
3 empowered and authorized to make contracts of
4 insurance or to reinsure or accept reinsurance
5 on any portion thereof, to the extent specified
6 in its articles for the kinds of insurance
7 following:

8 (1) Liability insurance. Against loss,
9 expense or liability by reason of bodily injury
10 or death by accident, disability, sickness or
11 disease suffered by others for which the insured
12 may be liable or have assumed liability,
13 including workers' compensation.

14 (2) Disability insurance. Against bodily
15 injury or death by accident and disability by
16 sickness.

17 (3) Automobile insurance. Against any or
18 all loss, expense and liability resulting from
19 the ownership, maintenance or use of any
20 automobile or other vehicle; provided, no
21 policies shall be issued under this subsection
22 against the hazard of fire alone.

23 (4) Steam boiler insurance. Against loss
24 or liability to persons or property resulting
25 from explosions or accidents to boilers,
26 containers, pipes, engines, flywheels, elevators
27 and machinery in connection therewith and
28 against loss of use and occupancy caused thereby
29 and to make inspection and issue certificates of
30 inspection thereon.

31 (5) Use and occupancy insurance. Against
32 loss from interruption of trade or business or
33 loss of rents which may be the result of any
34 accident or casualty.

35 (6) Miscellaneous insurance. Against loss
36 or damage by any hazard upon any risk not
37 provided for in this section, which is not
38 prohibited by statute or at common law from
39 being the subject of insurance, excepting life
40 insurance and fire insurance.]

[379.235. 1. No such company shall issue
2 policies or transact any business of insurance
3 unless it holds a license from the director
4 authorizing the transaction of such business. A
5 license shall not be issued unless the company
6 complies with the following conditions:

7 (1) It shall hold bona fide applications
8 for insurance upon which it shall issue
9 simultaneously, or it shall have in force, at
10 least twenty policies to at least twenty members
11 for the same kind of insurance upon not less
12 than two hundred separate risks, each within the
13 maximum single risk described herein.

14 (2) The maximum single risk shall not
15 exceed five percent of the admitted assets or
16 three times the average risk or one percent of
17 the insurance in force, whichever is the
18 greater, any reinsurance taking effect
19 simultaneously with the policy being deducted in
20 determining such maximum single risk.

21 (3) It has collected an annual premium
22 upon each application, which premium shall be
23 equal to not less than five times the maximum
24 single risk assumed nor less than one hundred
25 thousand dollars; provided, however, that the
26 total assets of the company shall not be less
27 than one hundred thousand dollars of paid-in
28 premiums and a guaranty fund or contributed
29 surplus of not less than six hundred thousand
30 dollars which shall be held in cash or
31 securities in which these insurance companies
32 are authorized to invest; and provided further,
33 that any mutual company other than life and fire
34 licensed to do business on September 28, 1977,
35 which confines its writings to burglary and
36 theft, and liability, property damage and
37 collision other than automobile and workers'

38 compensation, shall maintain a guaranty fund or
39 contributed surplus of not less than three
40 hundred thousand dollars.

41 (4) For the purpose of transacting
42 employer's liability and workers' compensation
43 insurance the applications shall cover not less
44 than one thousand five hundred employees, each
45 employee being considered a separate risk for
46 determining the maximum single risk.

47 2. Any other provision of law
48 notwithstanding any mutual company other than
49 life and fire licensed to do business in this
50 state on September 28, 1977, may renew its
51 license for business specified therein until
52 December 31, 1979, if it maintains assets of not
53 less than three hundred thousand dollars
54 consisting of paid-in premiums and a guaranty
55 fund or contributed surplus which shall be held
56 in cash or securities in which these insurance
57 companies are authorized to invest.

58 3. Violation of any of the provisions of
59 this section by an insurer is grounds for the
60 revocation of its certificate of authority by
61 the director.]

[379.240. 1. Any public or private
2 corporation, board or association in this state
3 or elsewhere may make applications, enter into
4 agreements for and hold policies in any such
5 mutual insurance company.

6 2. Any officer, stockholder, trustee or
7 legal representative of any such corporation,
8 board, association or estate may be recognized
9 as acting for or on its behalf for the purpose
10 of such membership, but shall not be personally
11 liable upon such contract of insurance by reason
12 of acting in such representative capacity.

13 3. The right of any corporation organized
14 under the laws of this state to participate as a
15 member of any such mutual insurance company is
16 hereby declared to be incidental to the purpose
17 for which such corporation is organized and as
18 much granted as the rights and powers expressly
19 conferred.]

2 [379.245. Every member of the company
3 shall be entitled to one vote, or to a number of
4 votes based upon the insurance in force, the
5 number of policies held, or the amount of
premiums paid, as may be provided in the bylaws.]

2 [379.250. 1. The maximum premium payable
3 by any member shall be expressed in the policy
4 or in the application for the insurance.

4 2. Such maximum premium may be a cash
5 premium and an additional contingent premium not
6 less than the cash premium, or may be solely a
7 cash premium.

8 3. No policy shall be issued for a cash
9 premium without an additional contingent premium
10 unless the company has a surplus of at least one
11 hundred thousand dollars or a surplus which is
12 not less in amount than the capital stock
13 required of domestic stock insurance companies
14 transacting the same kinds of insurance.]

2 [379.255. No such company shall invest any
3 of its assets except in accordance with the laws
4 of this state relating to the investment of the
5 assets of domestic stock companies transacting
the same kinds of insurance.]

2 [379.257. Any company organized or doing
3 business under sections 379.205 to 379.310 shall
4 comply with the provisions of section 379.098.]

2 [379.260. Such company shall maintain
3 unearned premium and other reserves separately
4 for each kind of insurance, upon the same basis
5 as that required of domestic stock insurance
6 companies transacting the same kind of
7 insurance; provided, that any reserve for losses
8 or claims based upon the premium income shall be
9 computed upon the net premium income after
10 deducting any so-called dividend or premium
returned or credited to the member.]

2 [379.263. Any company organized under the
3 provisions of sections 379.205 to 379.310 shall
4 on the first day of January of each year or
5 within sixty days thereafter, file with the
director of the department of commerce and

6 insurance a statement of its affairs in the same
7 manner and form as provided in section 379.105.]

[379.265. Such company not possessed of
2 assets at least equal to the unearned premium
3 reserve and other liabilities shall make an
4 assessment upon its members liable to assessment
5 to provide for such deficiency, such assessment
6 to be against each such member in proportion to
7 such liability as expressed in his policy;
8 provided, the director may, by written order,
9 relieve the company from an assessment or other
10 proceedings to restore such assets during the
11 time fixed in such order; and provided, that any
12 domestic company which shall be deficient in
13 providing the unearned premium reserve required
14 hereby may, notwithstanding such deficiency,
15 come under this law on the condition that it
16 shall each year thereafter reduce such
17 deficiency at least fifteen percent of the
18 original amount thereof, and in such case it may
19 increase its assessments accordingly.]

[379.270. 1. Any director, officer or
2 member of any such company, or any other person,
3 may advance to such company any sum or sums of
4 money necessary for the purpose of its business
5 or to enable it to comply with any of the
6 requirements of the law, and such moneys and
7 such interest thereon as may have been agreed
8 upon, not exceeding ten percent per annum, shall
9 be payable only out of the surplus remaining
10 after providing for all reserves and other
11 liabilities, and shall not otherwise be a
12 liability or claim against the company or any of
13 its assets.]

14 2. No commission or promotion expenses
15 shall be paid in connection with the advance of
16 any such money to the company, and the amount of
17 such advance shall be reported in each annual
18 statement.]

[379.275. 1. Any law requiring that
2 policies be countersigned and delivered through
3 a resident agent shall not apply to any policy

4 of such mutual company on which no commission
5 shall be paid to any local agent.

6 2. Such mutual company may insert in any
7 form of policy prescribed by the law of this
8 state any provisions or conditions required by
9 its plan of insurance which are not inconsistent
10 or in conflict with any law of this state.]

[379.290. Every mutual insurance company
2 or association admitted to Missouri under the
3 provisions of sections 379.205 to 379.310 shall
4 annually pay to the director of revenue a tax
5 upon the direct premiums received, whether in
6 cash or in notes, in this state, for the
7 insurance of property or risks in this state at
8 the rate of two percent per annum; provided,
9 that such companies or associations shall be
10 credited with cancelled or return premiums
11 actually paid during the year in this state.]

[379.295. 1. Every such company or
2 association shall, on or before the first day of
3 March in each year, make a return, verified by
4 the affidavit of its president and secretary or
5 other chief officers, to the director of the
6 department of commerce and insurance, in the
7 form prescribed by him, stating the amount of
8 all gross direct premiums received, whether in
9 cash, notes, credits or any other substitute for
10 money, on contracts covering property, or risks
11 located or resident in this state, during the
12 year ending on the thirty-first day of December
13 next preceding, and all credits to which such
14 company or association shall be entitled under
15 the provisions of section 379.290.

16 2. Upon receipt of such returns, the
17 director of the department of commerce and
18 insurance shall verify the same and assess the
19 tax upon various companies on the basis and at
20 the rate provided in section 379.290, and make a
21 schedule thereof, duplicate copies of which,
22 properly certified by said director, shall be
23 filed in the office of the director of revenue
24 on or before the first day of April in each year.

25 3. Immediately thereafter the director of
26 revenue shall notify the companies of the amount
27 of taxes respectively due from them, and such
28 taxes shall be paid to the director of revenue
29 on or before the first day of May next ensuing.

30 4. If not so paid, the director of revenue
31 shall certify such fact to the director of the
32 department of commerce and insurance, who shall
33 thereafter suspend such delinquent company or
34 companies from the further transaction of
35 business in this state until such taxes shall be
36 paid.

37 5. Upon receiving said money, the director
38 of revenue shall deposit it in the state
39 treasury and the state treasurer shall receipt
40 one-half thereof into the general revenue fund
41 of the state, and he shall place the remainder
42 of said tax to the credit of the county foreign
43 insurance tax fund.]

 [379.300. If any company or association
2 shall fail or refuse to make the return required
3 by sections 379.205 to 379.310, the said
4 director shall assess the tax against said
5 company or association at the rate herein
6 provided for on such amount of premiums as he
7 shall deem just and the proceedings thereon
8 shall be the same as if the return had been
9 made.]

 [379.700. There shall be maintained at all
2 times assets in cash or securities authorized by
3 the laws of the state in which the principal
4 office of the attorney is located for the
5 investment of similar funds of insurance
6 companies doing the same kind of business in an
7 amount equal to fifty percent of the net annual
8 advance premiums or deposits collected and
9 credited to the accounts of subscribers on
10 policies having one year or less to run and pro
11 rata on those for longer periods; or, in lieu
12 thereof, one hundred percent of the net unearned
13 premiums or deposits collected and credited to
14 the accounts of subscribers, which assets shall
15 not be charged as a liability.]

2 [393.1072. 1. There is hereby established
3 the "Task Force on Fair, Nondiscriminatory Local
4 Taxation Concerning Solar Energy Systems", which
5 shall be composed of the following members:

6 (1) Three members of the house of
7 representatives, with not more than two members
8 from the same political party and each member to
9 be appointed by the speaker of the house of
10 representatives;

11 (2) Three members of the senate, with not
12 more than two members from the same political
13 party and each member to be appointed by the
14 president pro tempore of the senate;

15 (3) Two currently elected county assessors
16 from Missouri county governments, with one to be
17 appointed by the speaker of the house of
18 representatives and one to be appointed by the
19 president pro tempore of the senate;

20 (4) Two representatives from the Missouri
21 state tax commission to be appointed by the
22 commissioners of the Missouri state tax
23 commission;

24 (5) Two representatives from a statewide
25 agricultural organization, with one to be
26 appointed by the speaker of the house of
27 representatives and one to be appointed by the
28 president pro tempore of the senate;

29 (6) Two representatives from the private
30 sector with experience in utility-scale solar
31 energy development and operation, with one to be
32 appointed by the speaker of the house of
33 representatives and one to be appointed by the
34 president pro tempore of the senate; and

35 (7) One member from an organization that
36 advocates for policy supporting solar energy
37 appointed by the chair of the public service
38 commission.

39 2. The task force shall conduct public
40 hearings and research and compile a report for
41 delivery to the general assembly before December
42 31, 2022. Such report shall include information
on the following:

43 (1) The economic benefits and drawbacks of
44 solar energy systems to local communities and
45 the state;

46 (2) The fair, uniform, and standardized
47 assessment and taxation of solar energy systems
48 and their connected equipment owned by a retail
49 or wholesale provider of electricity at the
50 county level in all counties;

51 (3) Compliance with existing federal and
52 state programs and regulations; and

53 (4) Potential legislation that will
54 provide a uniform assessment and taxation
55 methodology for solar energy systems and their
56 connected equipment owned by a retail or
57 wholesale provider of electricity that will be
58 used in every county of Missouri.

59 3. The task force shall meet within thirty
60 days after its creation and shall organize by
61 selecting a chair and vice chair, one of whom
62 shall be a member of the senate and the other a
63 member of the house of representatives.

64 Thereafter, the task force may meet as often as
65 necessary in order to accomplish the tasks
66 assigned to it. Meetings may be held by
67 telephone or video conference at the discretion
68 of the chair. The chair shall designate a
69 person to keep the records of the task force. A
70 majority of the task force shall constitute a
71 quorum, and a majority vote of such quorum shall
72 be required for any action.

73 4. The staff of house research and senate
74 research shall provide necessary clerical,
75 research, fiscal, and legal services to the task
76 force as the task force may request.

77 5. The members of the task force shall
78 serve without compensation, but any actual and
79 necessary expenses incurred by the task force,
80 its members, and any staff assigned to the task
81 force shall be reimbursed.

82 6. This section shall expire on December
83 31, 2022.]

[454.849. The repeal of sections 454.850
2 to 454.999 shall become effective June 15, 2016.]

2 [476.1000. All courts that require
3 mandatory electronic filing shall accept, file,
4 and docket a notice of entry of appearance filed
5 by an attorney in a criminal case if such filing
6 does not exceed one page in length and was sent
7 by fax or regular mail. The provisions of this
section shall expire on December 31, 2016.]

2 [559.117. 1. The director of the
3 department of corrections is authorized to
4 establish, as a three-year pilot program, a
5 mental health assessment process.

6 2. Only upon a motion filed by the
7 prosecutor in a criminal case, the judge who is
8 hearing the criminal case in a participating
9 county may request that an offender be placed in
10 the department of corrections for one hundred
11 twenty days for a mental health assessment and
12 for treatment if it appears that the offender
13 has a mental disorder or mental illness such
14 that the offender may qualify for probation
15 including community psychiatric rehabilitation
16 (CPR) programs and such probation is appropriate
17 and not inconsistent with public safety. Before
18 the judge rules upon the motion, the victim
19 shall be given notice of such motion and the
20 opportunity to be heard. Upon recommendation of
21 the court, the department shall determine the
22 offender's eligibility for the mental health
assessment process.

23 3. Following this assessment and treatment
24 period, an assessment report shall be sent to
25 the sentencing court and the sentencing court
26 may, if appropriate, release the offender on
27 probation. The offender shall be supervised on
28 probation by a state probation and parole
29 officer, who shall work cooperatively with the
30 department of mental health to enroll eligible
31 offenders in community psychiatric
32 rehabilitation (CPR) programs.

33 4. Notwithstanding any other provision of
34 law, probation shall not be granted under this
35 section to offenders who:

36 (1) Have been found guilty of, or plead
37 guilty to, murder in the second degree under
38 section 565.021;

39 (2) Have been found guilty of, or plead
40 guilty to, rape in the first degree under
41 section 566.030 or forcible rape under section
42 566.030 as it existed prior to August 28, 2013;

43 (3) Have been found guilty of, or plead
44 guilty to, statutory rape in the first degree
45 under section 566.032;

46 (4) Have been found guilty of, or plead
47 guilty to, sodomy in the first degree under
48 section 566.060 or forcible sodomy under section
49 566.060 as it existed prior to August 28, 2013;

50 (5) Have been found guilty of, or plead
51 guilty to, statutory sodomy in the first degree
52 under section 566.062;

53 (6) Have been found guilty of, or plead
54 guilty to, child molestation in the first degree
55 under section 566.067 when classified as a class
56 A felony;

57 (7) Have been found to be a predatory
58 sexual offender under section 566.125; or

59 (8) Have been found guilty of, or plead
60 guilty to, any offense for which there exists a
61 statutory prohibition against either probation
62 or parole.

63 5. At the end of the three-year pilot, the
64 director of the department of corrections and
65 the director of the department of mental health
66 shall jointly submit recommendations to the
67 governor and to the general assembly by December
68 31, 2015, on whether to expand the process
69 statewide.]

2 [595.202. 1. There is hereby created the
3 "Missouri Rights of Victims of Sexual Assault
4 Task Force" to consist of the following members:

5 (1) The following four members of the
6 general assembly:

7 (a) Two members of the senate, with no
8 more than one member from the same political
9 party and each member to be appointed by the
president pro tempore of the senate; and

10 (b) Two members of the house of
11 representatives, with no more than one member
12 from the same political party and each member to
13 be appointed by the speaker of the house of
14 representatives;

15 (2) The director of the department of
16 health and senior services or his or her
17 designee;

18 (3) A private citizen appointed by the
19 governor;

20 (4) A representative of a statewide
21 coalition against domestic and sexual violence
22 appointed by the governor;

23 (5) A representative of rape crisis
24 centers appointed by the governor;

25 (6) The superintendent of the Missouri
26 highway patrol or his or her designee;

27 (7) A law enforcement officer appointed by
28 the governor;

29 (8) The director of the Missouri highway
30 patrol crime lab or his or her designee;

31 (9) An attorney appointed by the governor;
32 and

33 (10) A representative of the Missouri
34 Hospital Association.

35 2. The task force shall study nationally
36 recognized best practices and make
37 recommendations regarding:

38 (1) The development and implementation of
39 an effective mechanism for submitting, tracking,
40 and investigating complaints regarding the
41 handling of, or response to, a sexual assault
42 report or investigation by any agency or
43 organization involved in the response;

44 (2) The development of documentation for
45 medical providers and law enforcement officers,
46 in conjunction with the department of public
47 safety, to provide to survivors informing them
48 of their rights pursuant to section 595.201;

49 (3) Whether a need exists for additional
50 employees or volunteers of a rape crisis center
51 for victims of sexual assault, and if such a
52 need does exist, the task force shall:

53 (a) Create a plan for how the state can
54 provide, in conjunction with rape crisis
55 centers, victims' advocates organizations, and
56 the department of health and senior services,
57 additional employees or volunteers of a rape
58 crisis center to meet the needs identified; and
59 (b) Determine the cost of funding such a
60 plan;

61 (4) Whether a need exists to expand the
62 right to an employee or volunteer of a rape
63 crisis center beyond the medical examination and
64 law enforcement interview settings, and if such
65 a need does exist, the task force shall:

66 (a) Identify the scope and nature of the
67 need; and
68 (b) Make recommendations on how best to
69 fill that need, whether legislatively or
70 otherwise;

71 (5) Whether a need exists to provide for
72 ongoing evaluation of the implementation of
73 these rights, and if such a need does exist, the
74 task force shall:

75 (a) Identify the scope and nature of the
76 need; and
77 (b) Make recommendations on how best to
78 fill that need, whether legislatively or
79 otherwise.

80 3. The task force shall:

81 (1) Collect data regarding sexual assault
82 reporting, arrests, prosecution rates, access to
83 sexual assault victims services, and any other
84 data important for its deliberations and
85 recommendations; and
86 (2) Collect feedback from stakeholders,
87 practitioners, and leadership throughout the
88 state and local law enforcement, victim
89 services, forensic science practitioners, and
90 health care communities to inform development of
91 future best practices or clinical guidelines
92 regarding the care and treatment of survivors.

93 4. The department of public safety shall
94 provide administrative support to the task force.

95 5. On or before December 31, 2021, the
96 task force shall submit a report on its findings

97 to the governor and general assembly. The
98 report shall include any dissenting opinions in
99 addition to any majority opinions.

100 6. The task force shall expire on December
101 31, 2021.]

[620.1910. 1. This section shall be known
2 and may be cited as the "Manufacturing Jobs Act".

3 2. As used in this section, the following
4 terms mean:

5 (1) "Approval", a document submitted by
6 the department to the qualified manufacturing
7 company or qualified supplier that states the
8 benefits that may be provided under this section;

9 (2) "Capital investment", expenditures
10 made by a qualified manufacturing company to
11 retool or reconfigure a manufacturing facility
12 directly related to the manufacturing of a new
13 product or the expansion or modification of the
14 manufacture of an existing product;

15 (3) "County average wage", the same
16 meaning as such term is defined in section
17 620.1878;

18 (4) "Department", the department of
19 economic development;

20 (5) "Facility", a building or buildings
21 located in Missouri at which the qualified
22 manufacturing company manufactures a product;

23 (6) "Full-time job", a job for which a
24 person is compensated for an average of at least
25 thirty-five hours per week for a twelve-month
26 period, and one for which the qualified
27 manufacturing company or qualified supplier
28 offers health insurance and pays at least fifty
29 percent of such insurance premiums;

30 (7) "NAICS industry classification", the
31 most recent edition of the North American
32 Industry Classification System as prepared by
33 the Executive Office of the President, Office of
34 Management and Budget;

35 (8) "New job", the same meaning as such
36 term is defined in section 620.1878;

37 (9) "New product", a new model or line of
38 a manufactured good that has not been

39 manufactured in Missouri by the qualified
40 manufacturing company at any time prior to the
41 date of the notice of intent, or an existing
42 brand, model, or line of a manufactured good
43 that is redesigned with more than seventy-five
44 percent new exterior body parts and incorporates
45 new powertrain options;

46 (10) "Notice of intent", a form developed
47 by the department, completed by the qualified
48 manufacturing company or qualified supplier and
49 submitted to the department which states the
50 qualified manufacturing company's or qualified
51 supplier's intent to create new jobs or retain
52 current jobs and make additional capital
53 investment, as applicable, and request benefits
54 under this section. The notice of intent shall
55 specify the minimum number of such new or
56 retained jobs and the minimum amount of such
57 capital investment;

58 (11) "Qualified manufacturing company", a
59 business with a NAICS code of 33611 that:

60 (a) Manufactures goods at a facility in
61 Missouri;

62 (b) In the case of the manufacture of a
63 new product, commits to make a capital
64 investment of at least seventy-five thousand
65 dollars per retained job within no more than two
66 years of the date the qualified manufacturing
67 company begins to retain withholding tax under
68 this section, or in the case of the modification
69 or expansion of the manufacture of an existing
70 product, commits to make a capital investment of
71 at least fifty thousand dollars per retained job
72 within no more than two years of the date the
73 qualified manufacturing company begins to retain
74 withholding tax under this section;

75 (c) Manufactures a new product or has
76 commenced making capital improvements to the
77 facility necessary for the manufacturing of such
78 new product, or modifies or expands the
79 manufacture of an existing product or has
80 commenced making capital improvements to the
81 facility necessary for the modification or

82 expansion of the manufacture of such existing
83 product; and

84 (d) Continues to meet the requirements of
85 paragraphs (a) to (c) of this subdivision for
86 the withholding period;

87 (12) "Qualified supplier", a manufacturing
88 company that:

89 (a) Attests to the department that it
90 derives more than ten percent of the total
91 annual sales of the company from sales to a
92 qualified manufacturing company;

93 (b) Adds five or more new jobs;

94 (c) Has an average wage, as defined in
95 section 135.950, for such new jobs that are
96 equal to or exceed the lower of the county
97 average wage for Missouri as determined by the
98 department using NAICS industry classifications,
99 but not lower than sixty percent of the
100 statewide average wage; and

101 (d) Provides health insurance for all full-
102 time jobs and pays at least fifty percent of the
103 premiums of such insurance;

104 (13) "Retained job", the number of full-
105 time jobs of persons employed by the qualified
106 manufacturing company located at the facility
107 that existed as of the last working day of the
108 month immediately preceding the month in which
109 notice of intent is submitted;

110 (14) "Statewide average wage", an amount
111 equal to the quotient of the sum of the total
112 gross wages paid for the corresponding four
113 calendar quarters divided by the average annual
114 employment for such four calendar quarters,
115 which shall be computed using the Quarterly
116 Census of Employment and Wages Data for All
117 Private Ownership Businesses in Missouri, as
118 published by the Bureau of Labor Statistics of
119 the United States Department of Labor;

120 (15) "Withholding period", the seven- or
121 ten-year period in which a qualified
122 manufacturing company may receive benefits under
123 this section;

124 (16) "Withholding tax", the same meaning
125 as such term is defined in section 620.1878.

126 3. The department shall respond within
127 thirty days to a qualified manufacturing company
128 or a qualified supplier who provides a notice of
129 intent with either an approval or a rejection of
130 the notice of intent. Failure to respond on
131 behalf of the department shall result in the
132 notice of intent being deemed an approval for
133 the purposes of this section.

134 4. A qualified manufacturing company that
135 manufactures a new product may, upon the
136 department's approval of a notice of intent and
137 the execution of an agreement that meets the
138 requirements of subsection 9 of this section,
139 but no earlier than January 1, 2012, retain one
140 hundred percent of the withholding tax from full-
141 time jobs at the facility for a period of ten
142 years. A qualified manufacturing company that
143 modifies or expands the manufacture of an
144 existing product may, upon the department's
145 approval of a notice of intent and the execution
146 of an agreement that meets the requirements of
147 subsection 9 of this section, but no earlier
148 than January 1, 2012, retain fifty percent of
149 the withholding tax from full-time jobs at the
150 facility for a period of seven years. Except as
151 otherwise allowed under subsection 7 of this
152 section, the commencement of the withholding
153 period may be delayed by no more than twenty-
154 four months after execution of the agreement at
155 the option of the qualified manufacturing
156 company. Such qualified manufacturing company
157 shall be eligible for participation in the
158 Missouri quality jobs program in sections
159 620.1875 to 620.1890 for any new jobs for which
160 it does not retain withholding tax under this
161 section, provided all qualifications for such
162 program are met.

163 5. A qualified supplier may, upon approval
164 of a notice of intent by the department, retain
165 all withholding tax from new jobs for a period
166 of three years from the date of approval of the
167 notice of intent or for a period of five years
168 if the supplier pays wages for the new jobs
169 equal to or greater than one hundred twenty

170 percent of county average wage. Notwithstanding
171 any other provision of law to the contrary, a
172 qualified supplier that is awarded benefits
173 under this section shall not receive any tax
174 credit or exemption or be entitled to retain
175 withholding under sections 100.700 to 100.850,
176 sections 135.100 to 135.150, sections 135.200 to
177 135.286, section 135.535, sections 135.900 to
178 135.906, sections 135.950 to 135.970, or section
179 620.1881 for the same jobs.

180 6. Notwithstanding any other provision of
181 law to the contrary, the maximum amount of
182 withholding tax that may be retained by any one
183 qualified manufacturing company under this
184 section shall not exceed ten million dollars per
185 calendar year. The aggregate amount of
186 withholding tax that may be retained by all
187 qualified manufacturing companies under this
188 section shall not exceed fifteen million dollars
189 per calendar year.

190 7. Notwithstanding any other provision of
191 law to the contrary, any qualified manufacturing
192 company that is awarded benefits under this
193 section shall not simultaneously receive tax
194 credits or exemptions under sections 100.700 to
195 100.850, sections 135.100 to 135.150, sections
196 135.200 to 135.286, section 135.535, or sections
197 135.900 to 135.906 for the jobs created or
198 retained or capital improvement which qualified
199 for benefits under this section. The benefits
200 available to the qualified manufacturing company
201 under any other state programs for which the
202 qualified manufacturing company is eligible and
203 which utilize withholding tax from the jobs at
204 the facility shall first be credited to the
205 other state program before the applicable
206 withholding period for benefits provided under
207 this section shall begin. These other state
208 programs include, but are not limited to, the
209 Missouri works jobs training program under
210 sections 620.800 to 620.809, the real property
211 tax increment allocation redevelopment act under
212 sections 99.800 to 99.865, or the Missouri
213 downtown and rural economic stimulus act under

214 sections 99.915 to 99.980. If any qualified
215 manufacturing company also participates in the
216 Missouri works jobs training program in sections
217 620.800 to 620.809, such qualified manufacturing
218 company shall not retain any withholding tax
219 that has already been allocated for use in the
220 new jobs training program. Any qualified
221 manufacturing company or qualified supplier that
222 is awarded benefits under this program and
223 knowingly hires individuals who are not allowed
224 to work legally in the United States shall
225 immediately forfeit such benefits and shall
226 repay the state an amount equal to any
227 withholding taxes already retained. Subsection
228 5 of section 285.530 shall not apply to
229 qualified manufacturing companies or qualified
230 suppliers which are awarded benefits under this
231 program.

232 8. The department may promulgate rules to
233 implement the provisions of this section. Any
234 rule or portion of a rule, as that term is
235 defined in section 536.010, that is created
236 under the authority delegated in this section
237 shall become effective only if it complies with
238 and is subject to all of the provisions of
239 chapter 536 and, if applicable, section
240 536.028. This section and chapter 536 are
241 nonseverable and if any of the powers vested
242 with the general assembly under chapter 536 to
243 review, to delay the effective date, or to
244 disapprove and annul a rule are subsequently
245 held unconstitutional, then the grant of
246 rulemaking authority and any rule proposed or
247 adopted after the effective date of this section
248 shall be invalid and void.

249 9. Within six months of completion of a
250 notice of intent required under this section,
251 the qualified manufacturing company shall enter
252 into an agreement with the department that
253 memorializes the content of the notice of
254 intent, the requirements of this section, and
255 the consequences for failing to meet such
256 requirements, which shall include the following:

257 (1) If the amount of capital investment
258 made by the qualified manufacturing company is
259 not made within the two-year period provided for
260 such investment, the qualified manufacturing
261 company shall immediately cease retaining any
262 withholding tax with respect to jobs at the
263 facility and it shall forfeit all rights to
264 retain withholding tax for the remainder of the
265 withholding period. In addition, the qualified
266 manufacturing company shall repay any amounts of
267 withholding tax retained plus interest of five
268 percent per annum. However, in the event that
269 such capital investment shortfall is due to
270 economic conditions beyond the control of the
271 qualified manufacturing company, the director
272 may, at the qualified manufacturing company's
273 request, suspend rather than terminate its
274 privilege to retain withholding tax under this
275 section for up to three years. Any such
276 suspension shall extend the withholding period
277 by the same amount of time. No more than one
278 such suspension shall be granted to a qualified
279 manufacturing company;

280 (2) If the qualified manufacturing company
281 discontinues the manufacturing of the new
282 product and does not replace it with a
283 subsequent or additional new product
284 manufactured at the facility at any time during
285 the withholding period, the qualified
286 manufacturing company shall immediately cease
287 retaining any withholding tax with respect to
288 jobs at that facility and it shall forfeit all
289 rights to retain withholding tax for the
290 remainder of the withholding period.

291 10. Prior to March first each year, the
292 department shall provide a report to the general
293 assembly including the names of participating
294 qualified manufacturing companies or qualified
295 suppliers, location of such companies or
296 suppliers, the annual amount of benefits
297 provided, the estimated net state fiscal impact
298 including direct and indirect new state taxes
299 derived, and the number of new jobs created or
300 jobs retained.

301 11. Under section 23.253 of the Missouri
302 sunset act:

303 (1) The provisions of the new program
304 authorized under this section shall
305 automatically sunset October 12, 2016, unless
306 reauthorized by an act of the general assembly;
307 and

308 (2) If such program is reauthorized, the
309 program authorized under this section shall
310 automatically sunset twelve years after the
311 effective date of the reauthorization of this
312 section; and

313 (3) This section shall terminate on
314 September first of the calendar year immediately
315 following the calendar year in which the program
316 authorized under this section is sunset.]

[620.2100. 1. There is hereby established
2 the "Ozark Exploration Bicentennial Commission".

3 2. The commission shall consist of the
4 following members:

5 (1) Two representatives appointed by the
6 speaker of the house of representatives;

7 (2) Two senators appointed by the
8 president pro tempore of the senate;

9 (3) One faculty member of Missouri State
10 University appointed by university leadership;

11 (4) The director of the division of
12 tourism or his or her designee;

13 (5) Two members representing historical
14 societies within the area of exploration, one
15 appointed by the speaker of the house of
16 representatives and one appointed by the
17 president pro tempore of the senate;

18 (6) Two members of the public appointed by
19 the speaker of the house of representatives; and

20 (7) Two members of the public appointed by
21 the president pro tempore of the senate.

22 3. Members of the commission shall be
23 appointed by October 1, 2017.

24 4. Members of the commission shall serve
25 without compensation. The division of tourism
26 shall provide administrative support for the
27 commission.

28 5. There is hereby established in the
29 state treasury the "Ozark Exploration
30 Bicentennial Fund" to be held separate and apart
31 from all other public moneys and funds of the
32 state. The fund may accept state and federal
33 appropriations, grants, bequests, gifts, fees,
34 and awards to be held for use by the Ozark
35 exploration bicentennial commission.
36 Notwithstanding the provisions of section 33.080
37 to the contrary, moneys remaining in the fund at
38 the end of any biennium shall not revert to
39 general revenue. The state treasurer shall be
40 custodian of the fund. In accordance with
41 sections 30.170 and 30.180, the state treasurer
42 may approve disbursements. The state treasurer
43 shall invest moneys in the fund in the same
44 manner as other funds are invested. Any
45 interest and moneys earned on such investments
46 shall be credited to the fund.

47 6. The duties of the commission shall
48 include, but not be limited to:

49 (1) Organizing and coordinating efforts
50 relating to the bicentennial celebration of the
51 exploration of the Ozarks in 1819; and

52 (2) Promoting public awareness of the
53 importance and cultural significance of the
54 exploration to Missouri history.

55 7. The commission shall be dissolved and
56 the provisions of this section shall expire on
57 June 30, 2019.]

 [620.2600. 1. This section shall be known
2 and may be cited as the "Innovation Campus Tax
3 Credit Act".

4 2. As used in this section, the following
5 terms mean:

6 (1) "Certificate", a tax credit
7 certificate issued under this section;

8 (2) "Department", the Missouri department
9 of economic development;

10 (3) "Eligible donation", donations
11 received from a taxpayer by innovation campuses
12 that are to be used solely for projects that
13 advance learning in the areas of science,

14 technology, engineering, and mathematics.
15 Eligible donations may include cash, publicly
16 traded stocks and bonds, and real estate that
17 shall and will be valued and documented
18 according to the rules promulgated by the
19 department of economic development;

20 (4) "Innovation education campus" or
21 "innovation campus", as defined in section
22 178.1100, an educational partnership consisting
23 of at least one of each of the following
24 entities:

25 (a) A local Missouri high school or K-12
26 school district;

27 (b) A Missouri four-year public or private
28 higher education institution;

29 (c) A Missouri-based business or
30 businesses; and

31 (d) A Missouri two-year public higher
32 education institution or state technical college
33 of Missouri;

34 (5) "Taxpayer", any of the following
35 individuals or entities who make an eligible
36 donation to any innovation campus:

37 (a) A person, firm, partner in a firm,
38 corporation, or a shareholder in an S
39 corporation doing business in the state of
40 Missouri and subject to the state income tax
41 imposed in chapter 143;

42 (b) A corporation subject to the annual
43 corporation franchise tax imposed in chapter 147;

44 (c) An insurance company paying an annual
45 tax on its gross premium receipts in this state;

46 (d) Any other financial institution paying
47 taxes to the state of Missouri or any political
48 subdivisions of this state under chapter 148;

49 (e) An individual subject to the state
50 income tax imposed in chapter 143;

51 (f) Any charitable organization which is
52 exempt from federal income tax and whose
53 Missouri unrelated business taxable income, if
54 any, would be subject to the state income tax
55 imposed under chapter 143.

56 3. For all taxable years beginning on or
57 after January 1, 2015, any taxpayer shall be

58 allowed a credit against the taxes otherwise due
59 under chapters 147, 148, or 143, excluding
60 withholding tax imposed by sections 143.191 to
61 143.265, in an amount equal to fifty percent of
62 the amount of an eligible donation, subject to
63 the restrictions in this section. The amount of
64 the tax credit claimed shall not exceed the
65 amount of the taxpayer's state income tax
66 liability in the tax year for which the credit
67 is claimed. Any amount of credit that the
68 taxpayer is prohibited by this section from
69 claiming in a tax year shall not be refundable,
70 but may be carried forward to any of the
71 taxpayer's four subsequent taxable years.

72 4. To claim the credit authorized in this
73 section, an innovation campus may submit to the
74 department an application for the tax credit
75 authorized by this section on behalf of
76 taxpayers. The department shall verify that the
77 innovation campus has submitted the following
78 items:

79 (1) A valid application in the form and
80 format required by the department;

81 (2) A statement attesting to the eligible
82 donation received, which shall include the name
83 and taxpayer identification number of the
84 individual or taxpayer making the eligible
85 donation, the amount of the eligible donation,
86 and the date the eligible donation was received
87 by the innovation campus; and

88 (3) Payment from the innovation campus
89 equal to the value of the tax credit for which
90 application is made.

91 If the innovation campus applying for the tax
92 credit meets all criteria required by this
93 subsection, the department shall issue a
94 certificate in the appropriate amount.

95 5. Tax credits issued under this section
96 may be assigned, transferred, sold, or otherwise
97 conveyed, and the new owner of the tax credit
98 shall have the same rights in the credit as the
99 taxpayer. Whenever a certificate is assigned,
100 transferred, sold, or otherwise conveyed, a
101 notarized endorsement shall be filed with the

102 department specifying the name and address of
103 the new owner of the tax credit and the value of
104 the credit.

105 6. The department may promulgate rules to
106 implement the provisions of this section. Any
107 rule or portion of a rule, as that term is
108 defined in section 536.010, that is created
109 under the authority delegated in this section
110 shall become effective only if it complies with
111 and is subject to all of the provisions of
112 chapter 536 and, if applicable, section
113 536.028. This section and chapter 536 are
114 nonseverable and if any of the powers vested
115 with the general assembly under and pursuant to
116 chapter 536 to review, to delay the effective
117 date, or to disapprove and annul a rule are
118 subsequently held unconstitutional, then the
119 grant of rulemaking authority and any rule
120 proposed or adopted after August 28, 2014, shall
121 be invalid and void.

122 7. Under section 23.253 of the Missouri
123 sunset act:

124 (1) The program authorized under this
125 section shall expire six years after August 28,
126 2014, unless reauthorized by an act of the
127 general assembly; and

128 (2) If such program is reauthorized, the
129 program authorized under this section shall
130 automatically sunset twelve years after August
131 28, 2014; and

132 (3) This section shall terminate on
133 September first of the calendar year immediately
134 following the calendar year in which the program
135 authorized under this section is sunset.]

2 [633.420. 1. For the purposes of this
3 section, the term "dyslexia" means a disorder
4 that is neurological in origin, characterized by
5 difficulties with accurate and fluent word
6 recognition, and poor spelling and decoding
7 abilities that typically result from a deficit
8 in the phonological component of language, often
9 unexpected in relation to other cognitive
abilities and the provision of effective

10 classroom instruction, and of which secondary
11 consequences may include problems in reading
12 comprehension and reduced reading experience
13 that can impede growth of vocabulary and
14 background knowledge. Nothing in this section
15 shall prohibit a district from assessing
16 students for dyslexia and offering students
17 specialized reading instruction if a
18 determination is made that a student suffers
19 from dyslexia. Unless required by federal law,
20 nothing in this definition shall require a
21 student with dyslexia to be automatically
22 determined eligible as a student with a
23 disability. Nothing in this definition shall
24 require a student with dyslexia to obtain an
25 individualized education program (IEP) unless
26 the student has otherwise met the federal
27 conditions necessary.

28 2. There is hereby created the
29 "Legislative Task Force on Dyslexia". The joint
30 committee on education shall provide technical
31 and administrative support as required by the
32 task force to fulfill its duties; any such
33 support involving monetary expenses shall first
34 be approved by the chairman of the joint
35 committee on education. The task force shall
36 meet at least quarterly and may hold meetings by
37 telephone or video conference. The task force
38 shall advise and make recommendations to the
39 governor, joint committee on education, and
40 relevant state agencies regarding matters
41 concerning individuals with dyslexia, including
42 education and other adult and adolescent
43 services.

44 3. The task force shall be comprised of
45 twenty-one members consisting of the following:

46 (1) Two members of the senate appointed by
47 the president pro tempore of the senate, with
48 one member appointed from the minority party and
49 one member appointed from the majority party;

50 (2) Two members of the house of
51 representatives appointed by the speaker of the
52 house of representatives, with one member

53 appointed from the minority party and one member
54 appointed from the majority party;

55 (3) The commissioner of education, or his
56 or her designee;

57 (4) One representative from an institution
58 of higher education located in this state with
59 specialized expertise in dyslexia and reading
60 instruction;

61 (5) A representative from a state teachers
62 association or the Missouri National Education
63 Association;

64 (6) A representative from the
65 International Dyslexia Association of Missouri;

66 (7) A representative from Decoding
67 Dyslexia of Missouri;

68 (8) A representative from the Missouri
69 Association of Elementary School Principals;

70 (9) A representative from the Missouri
71 Council of Administrators of Special Education;

72 (10) A professional licensed in the state
73 of Missouri with experience diagnosing dyslexia
74 including, but not limited to, a licensed
75 psychologist, school psychologist, or
76 neuropsychologist;

77 (11) A speech-language pathologist with
78 training and experience in early literacy
79 development and effective research-based
80 intervention techniques for dyslexia, including
81 an Orton-Gillingham remediation program
82 recommended by the Missouri Speech-Language
83 Hearing Association;

84 (12) A certified academic language
85 therapist recommended by the Academic Language
86 Therapy Association who is a resident of this
87 state;

88 (13) A representative from an independent
89 private provider or nonprofit organization
90 serving individuals with dyslexia;

91 (14) An assistive technology specialist
92 with expertise in accessible print materials and
93 assistive technology used by individuals with
94 dyslexia recommended by the Missouri assistive
95 technology council;

96 (15) One private citizen who has a child
97 who has been diagnosed with dyslexia;

98 (16) One private citizen who has been
99 diagnosed with dyslexia;

100 (17) A representative of the Missouri
101 State Council of the International Reading
102 Association;

103 (18) A pediatrician with knowledge of
104 dyslexia; and

105 (19) A member of the Missouri School
106 Boards' Association.

107 4. The members of the task force, other
108 than the members from the general assembly and
109 ex officio members, shall be appointed by the
110 president pro tempore of the senate or the
111 speaker of the house of representatives by
112 September 1, 2016, by alternating appointments
113 beginning with the president pro tempore of the
114 senate. A chairperson shall be selected by the
115 members of the task force. Any vacancy on the
116 task force shall be filled in the same manner as
117 the original appointment. Members shall serve
118 on the task force without compensation.

119 5. The task force shall make
120 recommendations for a statewide system for
121 identification, intervention, and delivery of
122 supports for students with dyslexia, including
123 the development of resource materials and
124 professional development activities. These
125 recommendations shall be included in a report to
126 the governor and joint committee on education
127 and shall include findings and proposed
128 legislation and shall be made available no
129 longer than twelve months from the task force's
130 first meeting.

131 6. The recommendations and resource
132 materials developed by the task force shall:

133 (1) Identify valid and reliable screening
134 and evaluation assessments and protocols that
135 can be used and the appropriate personnel to
136 administer such assessments in order to identify
137 children with dyslexia or the characteristics of
138 dyslexia as part of an ongoing reading progress
139 monitoring system, multitiered system of

140 supports, and special education eligibility
141 determinations in schools;

142 (2) Recommend an evidence-based reading
143 instruction, with consideration of the National
144 Reading Panel Report and Orton-Gillingham
145 methodology principles for use in all Missouri
146 schools, and intervention system, including a
147 list of effective dyslexia intervention
148 programs, to address dyslexia or characteristics
149 of dyslexia for use by schools in multitiered
150 systems of support and for services as
151 appropriate for special education eligible
152 students;

153 (3) Develop and implement preservice and
154 in-service professional development activities
155 to address dyslexia identification and
156 intervention, including utilization of
157 accessible print materials and assistive
158 technology, within degree programs such as
159 education, reading, special education, speech-
160 language pathology, and psychology;

161 (4) Review teacher certification and
162 professional development requirements as they
163 relate to the needs of students with dyslexia;

164 (5) Examine the barriers to accurate
165 information on the prevalence of students with
166 dyslexia across the state and recommend a
167 process for accurate reporting of demographic
168 data; and

169 (6) Study and evaluate current practices
170 for diagnosing, treating, and educating children
171 in this state and examine how current laws and
172 regulations affect students with dyslexia in
173 order to present recommendations to the governor
174 and the joint committee on education.

175 7. The task force shall hire or contract
176 for hire specialist services to support the work
177 of the task force as necessary with
178 appropriations made by the general assembly to
179 the joint committee on education for that
180 purpose or from other available funding.

181 8. The task force authorized under this
182 section shall expire on August 31, 2018, unless
183 reauthorized by an act of the general assembly.]

2 [640.030. The department of natural
3 resources and the department of conservation
4 shall develop an interagency plan and execute an
5 interagency agreement regarding the application
6 and use of any portion of funds authorized for
7 the respective departments by provisions of the
8 Constitution, taking into consideration the
9 purposes for which the voters approved the funds
10 and the extent to which expenditures under the
11 provisions of sections 252.300 to 252.333, or
12 sections 620.552 to 620.574, accomplish such
13 purposes. Such interagency agreements shall not
14 be subject to legislative review or oversight
15 and are not rules within the meaning of any law
16 providing for review by the general assembly or
any committee thereof.]

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