

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 887
95TH GENERAL ASSEMBLY

3342L.07C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 36.031, 43.040, 43.050, 44.045, 48.020, 50.660, 56.700, 58.445, 67.1000, 67.1360, 67.2000, 92.715, 94.510, 94.550, 94.577, 135.950, 135.953, 135.957, 135.960, 135.963, 135.967, 137.115, 140.100, 141.830, 144.030, 144.054, 190.015, 190.035, 190.040, 195.010, 195.017, 195.070, 195.080, 195.100, 204.300, 260.205, 260.247, 301.716, 303.025, 303.080, 306.010, 306.161, 306.163, 306.165, 306.167, 306.168, 306.185, 306.227, 306.228, 306.229, 306.230, 306.232, 334.747, 338.100, 473.739, 473.742, 537.620, 542.261, 544.157, 566.135, 571.030, 577.090, 650.005, and 650.350, RSMo, and to enact in lieu thereof seventy-eight new sections relating to political subdivisions, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

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

Section A. Sections 36.031, 43.040, 43.050, 44.045, 48.020, 50.660, 56.700, 58.445, 2 67.1000, 67.1360, 67.2000, 92.715, 94.510, 94.550, 94.577, 135.950, 135.953, 135.957, 3 135.960, 135.963, 135.967, 137.115, 140.100, 141.830, 144.030, 144.054, 190.015, 190.035, 4 190.040, 195.010, 195.017, 195.070, 195.080, 195.100, 204.300, 260.205, 260.247, 301.716, 5 303.025, 303.080, 306.010, 306.161, 306.163, 306.165, 306.167, 306.168, 306.185, 306.227, 6 306.228, 306.229, 306.230, 306.232, 334.747, 338.100, 473.739, 473.742, 537.620, 542.261, 7 544.157, 566.135, 571.030, 577.090, 650.005, and 650.350, RSMo, are repealed and seventy- 8 eight new sections enacted in lieu thereof, to be known as sections 21.870, 36.031, 43.040, 9 43.050, 43.392, 44.045, 48.020, 50.660, 56.700, 58.445, 66.720, 67.309, 67.314, 67.1000, 10 67.1080, 67.1360, 67.2000, 71.275, 92.013, 92.715, 94.271, 94.510, 94.550, 94.577, 94.832, 11 104.810, 135.950, 135.953, 135.957, 135.960, 135.963, 135.967, 135.969, 137.115, 140.100,

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

12 141.830, 144.019, 144.030, 144.054, 144.055, 190.015, 190.035, 190.040, 195.010, 195.017,
13 195.070, 195.080, 195.100, 204.300, 221.505, 246.310, 260.205, 260.247, 301.716, 303.025,
14 303.080, 304.890, 304.892, 304.894, 306.010, 306.165, 306.167, 306.168, 306.185, 307.129,
15 334.747, 338.100, 473.739, 473.742, 537.620, 542.261, 544.157, 566.135, 571.030, 577.090,
16 578.275, 650.005, and 650.350, to read as follows:

21.870. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Missouri's Eco Friendly Solid Waste", which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine Missouri's present and future solid waste management needs to determine the best strategy to ensure an affordable and environmentally conscious strategy for long-term waste management that will meet the needs of the people and businesses of Missouri for the next twenty-five years.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of economic development, the department of natural resources, and the public service commission.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2010, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.

6. Until such time as the joint committee makes its final report, the department of natural resources shall issue no permits for any new nonsource separated material recovery facility.

36.031. Any provision of law to the contrary notwithstanding, except for the elective offices, institutions of higher learning, the department of transportation, the department of

3 conservation, those positions in the Missouri state highway patrol the compensation of which is
4 established by subdivision (2) of subsection 2 of section 43.030, RSMo, and section 43.080,
5 RSMo, [those positions in the Missouri state water patrol the compensation of which is
6 established by section 306.229, RSMo,] those positions in the division of finance and the
7 division of credit unions compensated through a dedicated fund obtained from assessments and
8 license fees under sections 361.170 and 370.107, RSMo, and those positions for which the
9 constitution specifically provides the method of selection, classification, or compensation, and
10 the positions specified in subsection 1 of section 36.030, but including attorneys, those
11 departments, agencies and positions of the executive branch of state government which have not
12 been subject to these provisions of the state personnel law shall be subject to the provisions of
13 sections 36.100, 36.110, 36.120 and 36.130, and the regulations adopted pursuant to sections
14 36.100, 36.110, 36.120 and 36.130 which relate to the preparation, adoption and maintenance
15 of a position classification plan, the establishment and allocation of positions within the
16 classification plan and the use of appropriate class titles in official records, vouchers, payrolls
17 and communications. Any provision of law which confers upon any official or agency subject
18 to the provisions of this section the authority to appoint, classify or establish compensation for
19 employees shall mean the exercise of such authority subject to the provisions of this section.
20 This section shall not extend coverage of any section of this chapter, except those specifically
21 named in this section, to any agency or employee. In accordance with sections 36.100, 36.110,
22 36.120 and 36.130, and after consultation with appointing authorities, the director of the division
23 of personnel shall conduct such job studies and job reviews and establish such additional new
24 and revised job classes as the director finds necessary for appropriate classification of the
25 positions involved. Such classifications and the allocation of positions to classes shall be
26 maintained on a current basis by the division of personnel. The director of the division of
27 personnel shall, at the same time, notify all affected agencies of the appropriate assignment of
28 each job classification to one of the salary ranges within the pay plan then applicable to merit
29 system agencies. The affected agencies and employees in the classifications set pursuant to this
30 section shall be subject to the pay plan and rates of compensation established and administered
31 in accordance with the provisions of this section, and the regulations adopted pursuant to this
32 section, on the same basis as for merit agency employees. In addition, any elected official,
33 institution of higher learning, the department of transportation, the department of conservation,
34 the general assembly, or any judge who is the chief administrative officer of the judicial branch
35 of state government may request the division of personnel to study salaries within the requestor's
36 office, department or branch of state government for classification purposes.

43.040. The superintendent shall appoint from the membership of the patrol one
2 lieutenant colonel and [five] **six** majors, who shall have the same qualifications as the

3 superintendent, and who may be relieved of the rank of lieutenant colonel or major, as the case
4 may be, and the duties of the position by the superintendent at his pleasure.

43.050. 1. The superintendent may appoint not more than [twenty-five] **thirty-four**
2 captains and one director of radio, each of whom shall have the same qualifications as the
3 superintendent, nor more than [sixty] **sixty-eight** lieutenants, and such additional force of
4 sergeants, corporals and patrolmen, so that the total number of members of the patrol shall not
5 exceed [nine hundred sixty-five] **one thousand sixty-four** officers and patrolmen and such
6 numbers of radio personnel as the superintendent deems necessary.

7 2. In case of a national emergency the superintendent may name additional patrolmen
8 and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel
9 called into military services.

10 3. The superintendent may enter into an agreement with the Missouri gaming
11 commission to enforce any law, rule, or regulation, conduct background investigations under the
12 laws of this state, and enforce the regulations of licensed gaming activities governed by chapter
13 313, RSMo. A notice of either party to terminate or modify the provisions of such agreement
14 shall be in writing and executed not less than one year from the effective date of the termination
15 or modification, unless mutually agreed upon by the superintendent and the Missouri gaming
16 commission. Members of the patrol hired in conjunction with any agreement with the Missouri
17 gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this
18 section. If such agreement is subsequently terminated or modified to reduce the number of
19 personnel used in such agreement, those members affected by such termination or modification
20 shall not be subject to the personnel cap referenced in subsection 1 of this section for a period
21 of five years.

22 4. Member positions of the patrol originally acquired in conjunction with the
23 community-oriented policing services federal grant or members assigned to fulfill the duties
24 established in sections 43.350 to 43.380 shall not be subject to the personnel cap referenced in
25 subsection 1 of this section.

26 5. Applicants shall not be discriminated against because of race, creed, color, national
27 origin or sex.

**43.392. 1. Notwithstanding the provisions of subsection 1 of section 43.025, there
2 is hereby created within the Missouri state highway patrol a "Division of Water Patrol".**

3 **2. The superintendent of the Missouri state highway patrol shall appoint a director
4 of the division of water patrol who shall be responsible for the operation of the division.**

5 **3. The superintendent of the Missouri state highway patrol may assign highway
6 patrol members under the superintendent's command to serve in the division of water
7 patrol on a permanent or temporary basis.**

8 **4. All officers assigned to the division of water patrol shall be vested with the**
9 **powers prescribed in sections 306.165, 306.167, and 306.168.**

10 **5. All salaries, expenses and other costs relating to the assignment of Missouri state**
11 **highway patrol members to the division of water patrol shall be paid within the limits of**
12 **appropriations from general revenue, the Missouri state water patrol fund established in**
13 **section 306.185, or from such other funding as may be authorized by the general assembly.**

44.045. 1. Subject to approval by the state emergency management agency during an
2 emergency declared by the governor **or general assembly**, any health care [provider]
3 **professional** licensed, registered, or certified in this state [or any state who agrees to be so
4 deployed as provided in this section] may be deployed to provide care as necessitated by the
5 emergency, including care necessitated by mutual aid agreements between political subdivisions
6 and other public and private entities under section 44.090. During an emergency declared by the
7 governor, health care providers deployed by the governor or any state agency shall not be liable
8 for any civil damages or administrative sanctions for any failure, in the delivery of health care
9 necessitated by the emergency during deployment, to exercise the skill and learning of an
10 ordinarily careful health care provider in similar circumstances, but shall be liable for damages
11 due to willful and wanton acts or omissions in rendering such care.

12 2. In a declared state of emergency, the department of health and senior services and the
13 division of professional registration within the department of insurance, financial institutions and
14 professional registration may release otherwise confidential contact and licensure, registration,
15 or certification information relating to health care professionals to state, local, and private
16 agencies to facilitate deployment.

48.020. **1.** All counties of this state are hereby classified, for the purpose of establishing
2 organization and powers in accordance with the provisions of section 8, article VI, Constitution
3 of Missouri, into four classifications determined as follows:

4 Classification 1. All counties having an assessed valuation of [six] **nine** hundred million
5 dollars and over shall automatically be in the first classification after that county has maintained
6 such valuation for the time period required by section 48.030; **provided** however[,] that:

7 **(1)** Any county of the second classification which, on August [13, 1988] **28, 2010**, has
8 had an assessed valuation of at least [four] **six** hundred million dollars for at least one year may,
9 by resolution of the governing body of the county, elect to be classified as a county of the first
10 classification after it has maintained such valuation for the period of time required by the
11 provisions of section 48.030;

12 **(2)** Any county of the second classification which, on August **28, 2010**, has had an
13 **assessed valuation of at least six hundred million dollars for at least five years may, by**
14 **resolution of the governing body of the county duly adopted prior to December 31, 2010,**

15 **elect to remain classified as a county of the second classification until the assessed valuation**
16 **of the county after 2009 is such as to place it in another classification and it has maintained**
17 **the necessary valuation for the period of time required by section 48.030.**

18 Classification 2. All counties having an assessed valuation of [four] **six** hundred [fifty]
19 million dollars and less than the assessed valuation necessary for that county to be in the first
20 classification shall automatically be in the second classification after that county has maintained
21 such valuation for the time period required by section 48.030.

22 Classification 3. All counties having an assessed valuation of less than the assessed
23 valuation necessary for that county to be in the second classification shall automatically be in the
24 third classification.

25 Classification 4. All counties which have attained the second classification prior to
26 August 13, 1988, and which would otherwise return to the third classification after August 13,
27 1988, because of changes in assessed valuation shall remain a county in the second classification
28 and shall operate under the laws of this state applying to the second classification.

29 **2. The required assessed valuation for each classification under subsection 1 of this**
30 **section shall be increased annually by an amount equal to the percentage change in the**
31 **annual average of the Consumer Price Index for All Urban Consumers (CPI-U) or zero,**
32 **whichever is greater. The state tax commission shall calculate and publish this amount so**
33 **that it is available to all counties.**

50.660. 1. All contracts shall be executed in the name of the county, or in the name of
2 a township in a county with a township form of government, by the head of the department or
3 officer concerned, except contracts for the purchase of supplies, materials, equipment or services
4 other than personal made by the officer in charge of purchasing in any county or township having
5 the officer. No contract or order imposing any financial obligation on the county or township
6 is binding on the county or township unless it is in writing and unless there is a balance
7 otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash
8 balance otherwise unencumbered in the treasury to the credit of the fund from which payment
9 is to be made, each sufficient to meet the obligation incurred and unless the contract or order
10 bears the certification of the accounting officer so stating; except that in case of any contract for
11 public works or buildings to be paid for from bond funds or from taxes levied for the purpose
12 it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized
13 by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be
14 sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a
15 sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let
16 to the lowest and best bidder after due opportunity for competition, including advertising the
17 proposed letting in a newspaper in the county or township with a circulation of at least five

18 hundred copies per issue, if there is one, except that the advertising is not required in case of
19 contracts or purchases involving an expenditure of less than six thousand dollars. It is not
20 necessary to obtain bids on any purchase in the amount of [four] ~~six~~ thousand [five hundred]
21 dollars or less made from any one person, firm or corporation during any period of ninety days.
22 All bids for any contract or purchase may be rejected and new bids advertised for. Contracts
23 which provide that the person contracting with the county or township shall, during the term of
24 the contract, furnish to the county or township at the price therein specified the supplies,
25 materials, equipment or services other than personal therein described, in the quantities required,
26 and from time to time as ordered by the officer in charge of purchasing during the term of the
27 contract, need not bear the certification of the accounting officer, as herein provided; but all
28 orders for supplies, materials, equipment or services other than personal shall bear the
29 certification. In case of such contract, no financial obligation accrues against the county or
30 township until the supplies, materials, equipment or services other than personal are so ordered
31 and the certificate furnished.

32 2. Notwithstanding the provisions of subsection 1 of this section to the contrary,
33 advertising shall not be required in any county in the case of contracts or purchases involving an
34 expenditure of less than six thousand dollars.

56.700. 1. The prosecuting attorney in each county of the second, third or fourth class
2 which contains a mental health facility able to serve at least eighty persons on an overnight,
3 inpatient basis at any one time, and which is operated by the state department of mental health,
4 division of psychiatric services, may employ an assistant prosecuting attorney to assist in
5 carrying out the duties of the office of prosecuting attorney relating to mental health and mental
6 health facilities. The assistant prosecuting attorney authorized by this subsection shall be in
7 addition to any other assistant prosecuting attorney authorized by law. The assistant prosecuting
8 attorney employed under this subsection shall receive an annual compensation of fifteen
9 thousand dollars payable out of the state treasury from funds appropriated for that purpose.

10 2. The county counselor or circuit attorney in each county of the first class with a charter
11 form of government containing part of a city with a population of over four hundred fifty
12 thousand and in each city not within a county may employ an assistant county counselor or
13 circuit attorney to assist in carrying out the duties of the office of the county counselor or circuit
14 attorney relating to mental health and mental health facilities. The assistant authorized by this
15 subsection shall be in addition to any other assistants authorized by law. The assistant county
16 counselor or circuit attorney employed under this subsection shall receive an annual
17 compensation of fifteen thousand dollars payable out of the state treasury from funds
18 appropriated for that purpose.

19 3. The prosecuting attorney in each county of the second, third or fourth class which
20 contains a mental health facility able to serve at least eighty persons on an overnight, inpatient
21 basis at any one time, and which is operated by the state department of mental health, division
22 of psychiatric services, may employ additional investigative and clerical personnel to assist in
23 carrying out the duties of the office of prosecuting attorney relating to mental health and mental
24 health facilities. The investigative and clerical personnel authorized by this subsection shall be
25 in addition to any other personnel authorized by law. The compensation for such additional
26 investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for
27 each eligible county, shall be paid out of the state treasury from funds appropriated for that
28 purpose.

29 4. The county counselor or circuit attorney in each county of the first class with a charter
30 form of government containing part of a city with a population of over four hundred fifty
31 thousand and in each city not within a county may employ additional investigative and clerical
32 personnel to assist in carrying out the duties of the office of the county counselor or circuit
33 attorney relating to mental health and mental health facilities. The investigative and clerical
34 personnel authorized by this subsection shall be in addition to any other personnel authorized by
35 law. The compensation for such additional investigative and clerical personnel, not to exceed
36 a total of fifteen thousand dollars annually for each eligible county or city not within a county,
37 shall be paid out of the state treasury from funds appropriated for that purpose.

38 **5. In each county of the first classification with more than one hundred thirty-five**
39 **thousand four hundred but fewer than one hundred thirty-five thousand five hundred**
40 **inhabitants, the county counselor shall receive fifteen thousand dollars annually for duties**
41 **relating to mental health and mental health facilities, and an additional sum not to exceed**
42 **fifteen thousand dollars annually for investigative and clerical personnel costs to assist in**
43 **carrying out the duties of the office of county counselor relating to mental health and**
44 **mental health facilities. The sums provided in this subsection shall be paid out of the state**
45 **treasury from funds appropriated for such purposes, and shall be in the form of a**
46 **reimbursement to the county general revenue fund.**

58.445. 1. If any person within a coroner's or medical examiner's jurisdiction dies within
2 eight hours of, and as a result of, an accident involving a motor vehicle, the coroner or medical
3 examiner shall report the death and circumstances of the accident to the Missouri state highway
4 patrol in writing. If any person within a coroner's or medical examiner's jurisdiction dies within
5 eight hours of, and as a result of, an accident involving a motorized watercraft and was thought
6 to have been the operator of such watercraft, the coroner or medical examiner shall report the
7 death and circumstances of the accident to the Missouri state **highway patrol**, water patrol

8 **division**, in writing. The report required by this subsection shall be made within five days of the
9 conclusion of the tests required in subsection 2 of this section.

10 2. The coroner or medical examiner shall make, or cause to be made, such tests as are
11 necessary to determine the presence and percentage concentration of alcohol, and drugs if
12 feasible, in the blood of the deceased. The results of these tests shall be included in the coroner's
13 or medical examiner's report to the state highway patrol [or the Missouri state water patrol,] as
14 required by subsection 1 of this section.

**66.720. No county with a charter form of government and with more than one
2 hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two
3 hundred inhabitants shall adopt any charter provision or any order or ordinance that
4 prohibits such county from contracting out the county's probation services with a private
5 entity.**

**67.309. 1. Any county may make and promulgate orders, ordinances, rules, or
2 regulations establishing curfew hours for persons under the age of seventeen for public
3 streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places,
4 and public buildings, places of amusement and entertainment, vacant lots, or other
5 unsupervised places available to persons under the age of seventeen.**

6 **2. Any minor who violates the provisions of any order, ordinance, rule, or
7 regulation adopted under this section shall be guilty of a class C misdemeanor.**

8 **3. Any parent, guardian, or other person having the legal care or custody of a
9 minor child in violation of any order, ordinance, rule, or regulation adopted under this
10 section shall be guilty of a class C misdemeanor if such parent, guardian, or other person
11 has knowledge of the violation.**

**67.314. 1. The provisions of this section shall apply to contracts for construction
2 awarded by political subdivisions of the state of Missouri and shall be known as the
3 "Political Subdivision Construction Bidding Standards Act".**

4 **2. As used in this section, the following terms mean:**

5 **(1) "Contracts for construction", the construction, alteration, or repair of any
6 building, structure, highway, bridge, street, viaduct, water or sewer line or system,
7 pipeline, demolition, moving, or excavation connected therewith, and shall include the
8 furnishing of surveying, construction engineering, planning or management services, or
9 labor, material, or equipment, as required to perform work under the contract for
10 construction;**

11 **(2) "Established local construction procurement policy", a policy and procedure
12 for use in soliciting bids for multiple construction projects that has been officially adopted**

13 by the governing body of the political subdivision or established by the public works
14 director, engineer, or similar official authorized by the political subdivision to administer
15 the award of construction contracts.

16 **3. Nothing in this section shall be construed to require the design or engineering**
17 **of any project, as the term "project" is defined in section 8.287, to be awarded by**
18 **competitive bidding if the contract for such services is under a separate contract from a**
19 **contract for construction and is awarded under sections 8.285 to 8.291, or to construction**
20 **management services governed by sections 8.675 to 8.687. Neither shall this section be**
21 **construed to apply to contracts awarded for the design/build method of project delivery,**
22 **if the political subdivision's procurement of design/build projects is otherwise authorized**
23 **by law, local charter, ordinance, order, or resolution.**

24 **4. If a political subdivision is not subject to a specific requirement for advertising**
25 **for bids or soliciting, awarding, or rejecting bids under Missouri statutes or rules, or**
26 **federal or state funding requirements, and if the political subdivision has not adopted an**
27 **established local construction procurement policy that is applicable to the specific political**
28 **subdivision regarding contracts for construction, the political subdivision shall comply**
29 **with the following provisions when soliciting bids and awarding construction contracts of**
30 **ten thousand dollars or more:**

31 **(1) Contracts for construction shall be advertised in advance of the acceptance of**
32 **bids. If no provision of Missouri statutes or rules, or federal or state funding requirements,**
33 **or established local construction procurement policy requiring advertising otherwise**
34 **applies, bids shall be solicited by advertisement once a week for two consecutive weeks in**
35 **a newspaper of general circulation, qualified under chapter 493, located in a county where**
36 **the political subdivision is located. If there is no newspaper in the county qualified under**
37 **chapter 493, advertisements may be placed in a newspaper in an adjoining county. The**
38 **last insertion of the advertisement shall be not less than ten days before the date stated in**
39 **the advertisement for acceptance of bids. For contracts for construction of over two**
40 **hundred fifty thousand dollars, bids shall also be advertised by providing project and bid**
41 **solicitation information at least fifteen days in advance of bid opening to one or more**
42 **commercial or not-for-profit organization, which provides construction project reporting**
43 **services to construction contractors and suppliers, or that operates internet or paper plan**
44 **rooms for the use of contractors, subcontractors, and suppliers. Project advertisements**
45 **and bid solicitations shall state the date and time of the deadline for the acceptance of bids,**
46 **the place for submission of bids, and shall provide for informing bidders of the date, time,**
47 **and place where bids shall be opened;**

48 (2) If no provision of Missouri statute or rules, or federal or state funding
49 requirements, or established local construction procurement policy otherwise applies,
50 contracts for construction shall be awarded in compliance with this subdivision. The
51 contract shall be awarded to the lowest qualified responsible bidder submitting a bid which
52 is responsive to the contract as advertised by the political subdivision. The political
53 subdivision may reject the low bidder by declaring the bidder ineligible for contract award
54 based on the bidder's failure to provide a performance or payment bond as required by
55 section 107.170, the bidder's nonperformance on previous contracts with the political
56 subdivision, or for other reasons specified as to the bidder's inability to adequately
57 perform the contract. The reasons for bid rejection or award of the contract to another
58 bidder shall be stated in writing to the low bidder within five business days of the rejection
59 of the bid.

60 5. An established local construction procurement policy complies with this section
61 if it provides for advertising of construction contracts in a manner reasonably likely to
62 inform potential bidders of the project on a timely basis, including advertisement in a
63 newspaper of general circulation qualified under chapter 493, and requires that the date,
64 time, and place for submission of bids be stated in the advertisement or solicitation for bids
65 and provides for informing bidders of the date, time, and place bids will be opened. Such
66 established local construction procurement policy shall also state any requirements for
67 prequalification of bidders. If any additional project-specific qualifications are
68 established, such qualifications shall be stated to potential bidders in advance of
69 submission of bids. The established local construction procurement policy shall also state
70 the bid award standard to be used in selecting contractors to perform contracts under the
71 policy.

72 6. In award of contracts for construction, a political subdivision is prohibited from
73 acting in an arbitrary or capricious manner, and shall act in good faith.

74 7. Notwithstanding any other provision of state law, state rule, or federal or state
75 funding requirement to the contrary or any provision of an established local construction
76 procurement policy, no contract for construction shall be awarded in violation of the
77 following requirements:

78 (1) No bid shall be opened in advance of the advertised deadline for submission of
79 bids or in a place other than that established in subdivision (4) of this subsection;

80 (2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the
81 project for which bids were solicited is cancelled, bids shall be returned to the bidder
82 unopened;

83 **(3) No bid shall be accepted after the advertised deadline for acceptance of bids;**

84 **(4) All bids received shall be held secure and confidential from all persons until the**
85 **bids are opened on the date and at the time and place established in this section. Bids shall**
86 **be opened in a public meeting on the date and at the time and place stated in the**
87 **advertisement and request for bids or in an amended request for bids communicated to all**
88 **known bidders or potential bidders. If the date, time, or place of bid opening is changed**
89 **from information stated in the original or amended advertisement or solicitation for bids**
90 **or other notice to bidders, notice of the date, time, and place of bid opening shall be made**
91 **to all known or potential bidders and the general public at least two business days in**
92 **advance of the bid opening. Bids shall be opened in a public meeting. No political**
93 **subdivision shall bar any person or persons from observing the bid opening;**

94 **(5) No construction contract shall be awarded in substantial violation of a state**
95 **statute or a political subdivision's established local construction procurement policy;**

96 **(6) No construction contract shall be awarded in violation of section 107.170**
97 **requiring performance and payment of bonds.**

98 **8. Nothing in this section shall be construed to prohibit acceptance and processing**
99 **of bids through an established program of electronic bidding by computer, provided bids**
100 **accepted and processed electronically shall meet standards established by the requirements**
101 **of the electronic bidding program which are comparable to requirements for written bids**
102 **established by this section.**

103 **9. Any person submitting a bid, or who would have submitted a bid except for**
104 **violations of subsection 6 or 7 of this section or sections 34.203 to 34.216, shall have**
105 **standing to seek equitable relief and monetary damages in a court of competent**
106 **jurisdiction for monetary losses resulting from violations of subsection 6 or 7 of this section**
107 **or section 34.203 to 34.216, including but not limited to, setting aside award of a contract,**
108 **ordering a contract to be rebid, requiring award of a contract to a different bidder than**
109 **originally awarded, awarding monetary damages deemed appropriate by the court,**
110 **including award of reasonable attorney's fees, or awarding a combination of such forms**
111 **of relief. Any action for violation of subsection 6 or 7 of this section that is brought by the**
112 **contractor more than fifteen business days after the award of a contract shall be dismissed**
113 **by the court. If the court finds there has been fraud, collusion, or corruption, or if the**
114 **court finds there have been violations of subsection 6 or 7 of this section or sections 34.203**
115 **to 34.216 in award of the contract and awards monetary damages or equitable relief to the**
116 **contractor bringing the action, the court may also award attorney's fees to the contractor**
117 **bringing the action. If the court finds there is no substantial cause for the action or**

118 **determines that the action was brought by the contractor for purposes of harassment or**
119 **disruption of the awarded contract, the court may order the contractor to pay the political**
120 **subdivision's costs of attorney's fees.**

121 **10. Nothing in this section shall be construed to require acceptance of a bid which**
122 **exceeds the amount estimated by the political subdivision for the contract. Neither shall**
123 **anything in this section prohibit a political subdivision from awarding contracts without**
124 **competitive bidding when the political subdivision deems it necessary to remove an**
125 **immediate danger to the public health or safety, to prevent loss to public or private**
126 **property which requires government action, or to prevent an interruption of or to restore**
127 **an essential public service.**

128 **11. Nothing in this section shall be construed to prohibit a political subdivision**
129 **from adopting an established local construction procurement policy governing contracts**
130 **for construction after the effective date of this section. Neither shall this section be**
131 **construed to allow a political subdivision to maintain or enact any provision governing**
132 **construction contracts in conflict with subsection 6 or 7 of this section or any state statute**
133 **in effect on the effective date of this section or as subsequently amended or enacted.**

67.1000. 1. The governing body of any county or of any city which is the county seat
2 of any county or which now or hereafter has a population of more than three thousand five
3 hundred inhabitants and which has heretofore been authorized by the general assembly, or of any
4 other city which has a population of more than eighteen thousand and less than forty-five
5 thousand inhabitants located in a county of the first classification with a population over two
6 hundred thousand adjacent to a county of the first classification with a population over nine
7 hundred thousand, may impose a tax on the charges for all sleeping rooms paid by the transient
8 guests of hotels or motels situated in the city or county, which shall be not more than [five] **seven**
9 percent per occupied room per night, except that such tax shall not become effective unless the
10 governing body of the city or county submits to the voters of the city or county at an election
11 permitted under section 115.123, RSMo, a proposal to authorize the governing body of the city
12 or county to impose a tax under the provisions of this section and section 67.1002. The tax
13 authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping
14 room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax
15 shall be used by the city or county solely for funding a convention and visitors bureau which
16 shall be a general not-for-profit organization with whom the city or county has contracted, and
17 which is established for the purpose of promoting the city or county as a convention, visitor and
18 tourist center. Such tax shall be stated separately from all other charges and taxes.

19 2. In any county of the third classification without a township form of government and
 20 with more than forty-one thousand one hundred but fewer than forty-one thousand two hundred
 21 inhabitants, "transient guests", as used in this section and section 67.1002, means a person or
 22 persons who occupy a room or rooms in a hotel or motel for ninety days or less during any
 23 calendar quarter.

24 **3. Provisions of this section to the contrary notwithstanding, the governing body**
 25 **of any home rule city with more than thirty-nine thousand six hundred but fewer than**
 26 **thirty-nine thousand seven hundred inhabitants and partially located in any county of the**
 27 **first classification with more than seventy-one thousand three hundred but fewer than**
 28 **seventy-one thousand four hundred inhabitants may impose a tax on the charges for all**
 29 **sleeping rooms paid by the transient guests of hotels or motels situated in the city, which**
 30 **shall be not more than seven percent per occupied room per night, except that such tax**
 31 **shall not become effective unless the governing body of such city submits to the voters of**
 32 **the city at an election permitted under section 115.123, a proposal to authorize the**
 33 **governing body of the city to impose a tax under the provisions of this section and section**
 34 **67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the**
 35 **charge for the sleeping room and shall be in addition to any and all taxes imposed by law**
 36 **and the proceeds of such tax shall be used by the city solely for funding a convention and**
 37 **visitors bureau which shall be a general not-for-profit organization with whom the city has**
 38 **contracted, and which is established for the purpose of promoting the city as a convention,**
 39 **visitor, and tourist center. Such tax shall be stated separately from all other charges and**
 40 **taxes.**

67.1080. 1. Provisions of law to the contrary notwithstanding, where a county has
 2 **properly levied a tax, which by state law terminates within a specified period of time, the**
 3 **imposition of such tax may, by a majority vote of the governing body of such county, be**
 4 **extended; except that no ordinance or order extending such tax shall be effective unless the**
 5 **governing body of the county submits to the voters of such county, at a county or state**
 6 **general, primary, or special election, a proposal to authorize the governing body of the**
 7 **county to extend such tax.**

8 **2. The ballot of submission shall contain, but need not be limited to the following**
 9 **language:**

10 **Shall the county of (insert county's name) extend the countywide**
 11 **(insert type of tax) tax currently imposed for the purpose of (insert purpose of**
 12 **tax) at the rate of (insert rate) percent (it shall be optional to include the duration of**
 13 **the extension)?**

14

YES

NO

15

16 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are**
17 **opposed to the question, place an "X" in the box opposite "NO".**

18

19 **3. If a majority of the votes cast on the proposal by the qualified voters voting**
20 **thereon are in favor of the proposal, then the ordinance or order and any amendments**
21 **thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are**
22 **opposed to the proposal, then the governing body of the county shall have no power to**
23 **extend the tax as herein authorized unless and until the governing body of the county**
24 **submits another proposal to authorize the governing body of the county to extend the tax**
25 **under the provisions of this section and such proposal is approved by a majority of the**
qualified voters voting thereon.

67.1360. 1. The governing body of **the following cities and counties may impose a**
2 **tax as provided in this section:**

3 (1) A city with a population of more than seven thousand and less than seven thousand
4 five hundred;

5 (2) A county with a population of over nine thousand six hundred and less than twelve
6 thousand which has a total assessed valuation of at least sixty-three million dollars, if the county
7 submits the issue to the voters of such county prior to January 1, 2003;

8 (3) A third class city which is the county seat of a county of the third classification
9 without a township form of government with a population of at least twenty-five thousand but
10 not more than thirty thousand inhabitants;

11 (4) Any fourth class city having, according to the last federal decennial census, a
12 population of more than one thousand eight hundred fifty inhabitants but less than one thousand
13 nine hundred fifty inhabitants in a county of the first classification with a charter form of
14 government and having a population of greater than six hundred thousand but less than nine
15 hundred thousand inhabitants;

16 (5) Any city having a population of more than three thousand but less than eight
17 thousand inhabitants in a county of the fourth classification having a population of greater than
18 forty-eight thousand inhabitants;

19 (6) Any city having a population of less than two hundred fifty inhabitants in a county
20 of the fourth classification having a population of greater than forty-eight thousand inhabitants;

21 (7) Any fourth class city having a population of more than two thousand five hundred
22 but less than three thousand inhabitants in a county of the third classification having a population
23 of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

24 (8) Any third class city with a population of more than three thousand two hundred but
25 less than three thousand three hundred located in a county of the third classification having a
26 population of more than thirty-five thousand but less than thirty-six thousand;

27 (9) Any county of the second classification without a township form of government and
28 a population of less than thirty thousand;

29 (10) Any city of the fourth class in a county of the second classification without a
30 township form of government and a population of less than thirty thousand;

31 (11) Any county of the third classification with a township form of government and a
32 population of at least twenty-eight thousand but not more than thirty thousand;

33 (12) Any city of the fourth class with a population of more than one thousand eight
34 hundred but less than two thousand in a county of the third classification with a township form
35 of government and a population of at least twenty-eight thousand but not more than thirty
36 thousand;

37 (13) Any city of the third class with a population of more than seven thousand two
38 hundred but less than seven thousand five hundred within a county of the third classification with
39 a population of more than twenty-one thousand but less than twenty-three thousand;

40 (14) Any fourth class city having a population of more than two thousand eight hundred
41 but less than three thousand one hundred inhabitants in a county of the third classification with
42 a township form of government having a population of more than eight thousand four hundred
43 but less than nine thousand inhabitants;

44 (15) Any fourth class city with a population of more than four hundred seventy but less
45 than five hundred twenty inhabitants located in a county of the third classification with a
46 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

47 (16) Any third class city with a population of more than three thousand eight hundred
48 but less than four thousand inhabitants located in a county of the third classification with a
49 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

50 (17) Any fourth class city with a population of more than four thousand three hundred
51 but less than four thousand five hundred inhabitants located in a county of the third classification
52 without a township form of government with a population greater than sixteen thousand but less
53 than sixteen thousand two hundred inhabitants;

54 (18) Any fourth class city with a population of more than two thousand four hundred but
55 less than two thousand six hundred inhabitants located in a county of the first classification
56 without a charter form of government with a population of more than fifty-five thousand but less
57 than sixty thousand inhabitants;

58 (19) Any fourth class city with a population of more than two thousand five hundred but
59 less than two thousand six hundred inhabitants located in a county of the third classification with
60 a population of more than nineteen thousand one hundred but less than nineteen thousand two
61 hundred inhabitants;

62 (20) Any county of the third classification without a township form of government with
63 a population greater than sixteen thousand but less than sixteen thousand two hundred
64 inhabitants;

65 (21) Any county of the second classification with a population of more than forty-four
66 thousand but less than fifty thousand inhabitants;

67 (22) Any third class city with a population of more than nine thousand five hundred but
68 less than nine thousand seven hundred inhabitants located in a county of the first classification
69 without a charter form of government and with a population of more than one hundred
70 ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

71 (23) Any city of the fourth classification with more than five thousand two hundred but
72 less than five thousand three hundred inhabitants located in a county of the third classification
73 without a township form of government and with more than twenty-four thousand five hundred
74 but less than twenty-four thousand six hundred inhabitants;

75 (24) Any third class city with a population of more than nineteen thousand nine hundred
76 but less than twenty thousand in a county of the first classification without a charter form of
77 government and with a population of more than one hundred ninety-eight thousand but less than
78 one hundred ninety-eight thousand two hundred inhabitants;

79 (25) Any city of the fourth classification with more than two thousand six hundred but
80 less than two thousand seven hundred inhabitants located in any county of the third classification
81 without a township form of government and with more than fifteen thousand three hundred but
82 less than fifteen thousand four hundred inhabitants;

83 (26) Any county of the third classification without a township form of government and
84 with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

85 (27) Any city of the fourth classification with more than five thousand four hundred but
86 fewer than five thousand five hundred inhabitants and located in more than one county;

87 (28) Any city of the fourth classification with more than six thousand three hundred but
88 fewer than six thousand five hundred inhabitants and located in more than one county through
89 the creation of a tourism district which may include, in addition to the geographic area of such
90 city, the area encompassed by the portion of the school district, located within a county of the
91 first classification with more than ninety-three thousand eight hundred but fewer than

92 ninety-three thousand nine hundred inhabitants, having an average daily attendance for school
93 year 2005-06 between one thousand eight hundred and one thousand nine hundred;

94 (29) Any city of the fourth classification with more than seven thousand seven hundred
95 but less than seven thousand eight hundred inhabitants located in a county of the first
96 classification with more than ninety-three thousand eight hundred but less than ninety-three
97 thousand nine hundred inhabitants;

98 (30) Any city of the fourth classification with more than two thousand nine hundred but
99 less than three thousand inhabitants located in a county of the first classification with more than
100 seventy-three thousand seven hundred but less than seventy-three thousand eight hundred
101 inhabitants;

102 (31) Any city of the third classification with more than nine thousand three hundred but
103 less than nine thousand four hundred inhabitants; [or]

104 (32) Any city of the fourth classification with more than three thousand eight hundred
105 but fewer than three thousand nine hundred inhabitants and located in any county of the first
106 classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine
107 thousand eight hundred inhabitants;

108 **(33) Any city of the fourth classification with more than one thousand eight**
109 **hundred but fewer than one thousand nine hundred inhabitants and located in any county**
110 **of the first classification with more than one hundred thirty-five thousand four hundred**
111 **but fewer than one hundred thirty-five thousand five hundred inhabitants;**

112 **(34) Any county of the third classification without a township form of government**
113 **and with more than twelve thousand one hundred but fewer than twelve thousand two**
114 **hundred inhabitants; or**

115 **(35) Any city of the fourth classification with more than three thousand eight**
116 **hundred and fifty but fewer than four thousand inhabitants and located in more than one**
117 **county; provided, however, that motels owned by not-for-profit organizations are exempt.**

118 **2. The governing body of any city or county listed in subsection 1 of this section may**
119 **impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels,**
120 **bed and breakfast inns and campgrounds and any docking facility which rents slips to**
121 **recreational boats which are used by transients for sleeping, which shall be at least two percent,**
122 **but not more than five percent per occupied room per night, except that such tax shall not**
123 **become effective unless the governing body of the city or county submits to the voters of the city**
124 **or county at a state general, primary or special election, a proposal to authorize the governing**
125 **body of the city or county to impose a tax pursuant to the provisions of this section and section**
126 **67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any**

127 charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law
128 and the proceeds of such tax shall be used by the city or county solely for funding the promotion
129 of tourism. Such tax shall be stated separately from all other charges and taxes.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational
2 Facility District Act".

3 2. Whenever not less than fifty owners of real property located within any county of the
4 first classification with more than seventy-one thousand three hundred but less than seventy-one
5 thousand four hundred inhabitants, or any county of the first classification with more than one
6 hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred
7 inhabitants, or any county of the first classification with more than eighty-five thousand nine
8 hundred but less than eighty-six thousand inhabitants, or any county of the second classification
9 with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred
10 inhabitants, or any county of the first classification with more than one hundred four thousand
11 six hundred but less than one hundred four thousand seven hundred inhabitants, or any county
12 of the third classification without a township form of government and with more than seventeen
13 thousand nine hundred but less than eighteen thousand inhabitants, or any county of the first
14 classification with more than thirty-seven thousand but less than thirty-seven thousand one
15 hundred inhabitants, or any county of the third classification without a township form of
16 government and with more than twenty-three thousand five hundred but less than twenty-three
17 thousand six hundred inhabitants, or any county of the third classification without a township
18 form of government and with more than nineteen thousand three hundred but less than nineteen
19 thousand four hundred inhabitants, or any county of the first classification with more than two
20 hundred forty thousand three hundred but less than two hundred forty thousand four hundred
21 inhabitants, **or any county of the third classification with a township form of government**
22 **and with more than eight thousand nine hundred but fewer than nine thousand**
23 **inhabitants, or any county of the third classification without a township form of**
24 **government and with more than eighteen thousand nine hundred but fewer than nineteen**
25 **thousand inhabitants, or any county of the third classification with a township form of**
26 **government and with more than eight thousand but fewer than eight thousand one**
27 **hundred inhabitants, or any county of the third classification with a township form of**
28 **government and with more than eleven thousand five hundred but fewer than eleven**
29 **thousand six hundred inhabitants,** desire to create an exhibition center and recreational facility
30 district, the property owners shall file a petition with the governing body of each county located
31 within the boundaries of the proposed district requesting the creation of the district. The district

32 boundaries may include all or part of the counties described in this section. The petition shall
33 contain the following information:

34 (1) The name and residence of each petitioner and the location of the real property
35 owned by the petitioner;

36 (2) A specific description of the proposed district boundaries, including a map
37 illustrating the boundaries; and

38 (3) The name of the proposed district.

39 3. Upon the filing of a petition pursuant to this section, the governing body of any county
40 described in this section may, by resolution, approve the creation of a district. Any resolution
41 to establish such a district shall be adopted by the governing body of each county located within
42 the proposed district, and shall contain the following information:

43 (1) A description of the boundaries of the proposed district;

44 (2) The time and place of a hearing to be held to consider establishment of the proposed
45 district;

46 (3) The proposed sales tax rate to be voted on within the proposed district; and

47 (4) The proposed uses for the revenue generated by the new sales tax.

48 4. Whenever a hearing is held as provided by this section, the governing body of each
49 county located within the proposed district shall:

50 (1) Publish notice of the hearing on two separate occasions in at least one newspaper of
51 general circulation in each county located within the proposed district, with the first publication
52 to occur not more than thirty days before the hearing, and the second publication to occur not
53 more than fifteen days or less than ten days before the hearing;

54 (2) Hear all protests and receive evidence for or against the establishment of the
55 proposed district; and

56 (3) Rule upon all protests, which determinations shall be final.

57 5. Following the hearing, if the governing body of each county located within the
58 proposed district decides to establish the proposed district, it shall adopt an order to that effect;
59 if the governing body of any county located within the proposed district decides to not establish
60 the proposed district, the boundaries of the proposed district shall not include that county. The
61 order shall contain the following:

62 (1) The description of the boundaries of the district;

63 (2) A statement that an exhibition center and recreational facility district has been
64 established;

65 (3) The name of the district;

66 (4) The uses for any revenue generated by a sales tax imposed pursuant to this section;
67 and

68 (5) A declaration that the district is a political subdivision of the state.

69 6. A district established pursuant to this section may, at a general, primary, or special
70 election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of
71 one percent, for a period not to exceed twenty-five years, on all retail sales within the district,
72 which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the
73 acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition
74 center and recreational facilities. The ballot of submission shall be in substantially the following
75 form:

76 Shall the (name of district) impose a sales tax of one-fourth of one percent to fund
77 the acquisition, construction, maintenance, operation, improvement, and promotion of an
78 exhibition center and recreational facilities, for a period of (insert number of years)?

79 YES NO

80

81 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
82 to the question, place an "X" in the box opposite "NO".

83

84 If a majority of the votes cast in the portion of any county that is part of the proposed district
85 favor the proposal, then the sales tax shall become effective in that portion of the county that is
86 part of the proposed district on the first day of the first calendar quarter immediately following
87 the election. If a majority of the votes cast in the portion of a county that is a part of the
88 proposed district oppose the proposal, then that portion of such county shall not impose the sales
89 tax authorized in this section until after the county governing body has submitted another such
90 sales tax proposal and the proposal is approved by a majority of the qualified voters voting
91 thereon. However, if a sales tax proposal is not approved, the governing body of the county shall
92 not resubmit a proposal to the voters pursuant to this section sooner than twelve months from
93 the date of the last proposal submitted pursuant to this section. If the qualified voters in two or
94 more counties that have contiguous districts approve the sales tax proposal, the districts shall
95 combine to become one district.

96 7. There is hereby created a board of trustees to administer any district created and the
97 expenditure of revenue generated pursuant to this section consisting of four individuals to
98 represent each county approving the district, as provided in this subsection. The governing body
99 of each county located within the district, upon approval of that county's sales tax proposal, shall
100 appoint four members to the board of trustees; at least one shall be an owner of a nonlodging

101 business located within the taxing district, or their designee, at least one shall be an owner of a
102 lodging facility located within the district, or their designee, and all members shall reside in the
103 district except that one nonlodging business owner, or their designee, and one lodging facility
104 owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five
105 years of age and a resident of this state. Of the initial trustees appointed from each county, two
106 shall hold office for two years, and two shall hold office for four years. Trustees appointed after
107 expiration of the initial terms shall be appointed to a four-year term by the governing body of the
108 county the trustee represents, with the initially appointed trustee to remain in office until a
109 successor is appointed, and shall take office upon being appointed. Each trustee may be
110 reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the
111 office was originally appointed. The trustees shall not receive compensation for their services,
112 but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and
113 other officers necessary for its membership. Trustees may be removed if:

114 (1) By a two-thirds vote, the board moves for the member's removal and submits such
115 motion to the governing body of the county from which the trustee was appointed; and

116 (2) The governing body of the county from which the trustee was appointed, by a
117 majority vote, adopts the motion for removal.

118 8. The board of trustees shall have the following powers, authority, and privileges:

119 (1) To have and use a corporate seal;

120 (2) To sue and be sued, and be a party to suits, actions, and proceedings;

121 (3) To enter into contracts, franchises, and agreements with any person or entity, public
122 or private, affecting the affairs of the district, including contracts with any municipality, district,
123 or state, or the United States, and any of their agencies, political subdivisions, or
124 instrumentalities, for the funding, including without limitation interest rate exchange or swap
125 agreements, planning, development, construction, acquisition, maintenance, or operation of a
126 single exhibition center and recreational facilities or to assist in such activity. "Recreational
127 facilities" means locations explicitly designated for public use where the primary use of the
128 facility involves participation in hobbies or athletic activities;

129 (4) To borrow money and incur indebtedness and evidence the same by certificates,
130 notes, or debentures, to issue bonds and use any one or more lawful funding methods the district
131 may obtain for its purposes at such rates of interest as the district may determine. Any bonds,
132 notes, and other obligations issued or delivered by the district may be secured by mortgage,
133 pledge, or deed of trust of any or all of the property and income of the district. Every issue of
134 such bonds, notes, or other obligations shall be payable out of property and revenues of the
135 district and may be further secured by other property of the district, which may be pledged,

136 assigned, mortgaged, or a security interest granted for such payment, without preference or
137 priority of the first bonds issued, subject to any agreement with the holders of any other bonds
138 pledging any specified property or revenues. Such bonds, notes, or other obligations shall be
139 authorized by resolution of the district board, and shall bear such date or dates, and shall mature
140 at such time or times, but not in excess of thirty years, as the resolution shall specify. Such
141 bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or
142 rates, be in such form, either coupon or registered, be issued as current interest bonds, compound
143 interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such
144 manner, be payable in such place or places, and be subject to redemption as such resolution may
145 provide, notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may
146 be sold at either public or private sale, at such interest rates, and at such price or prices as the
147 district shall determine;

148 (5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and
149 personal property in furtherance of district purposes;

150 (6) To refund any bonds, notes, or other obligations of the district without an election.
151 The terms and conditions of refunding obligations shall be substantially the same as those of the
152 original issue, and the board shall provide for the payment of interest at not to exceed the legal
153 rate, and the principal of such refunding obligations in the same manner as is provided for the
154 payment of interest and principal of obligations refunded;

155 (7) To have the management, control, and supervision of all the business and affairs of
156 the district, and the construction, installation, operation, and maintenance of district
157 improvements therein; to collect rentals, fees, and other charges in connection with its services
158 or for the use of any of its facilities;

159 (8) To hire and retain agents, employees, engineers, and attorneys;

160 (9) To receive and accept by bequest, gift, or donation any kind of property;

161 (10) To adopt and amend bylaws and any other rules and regulations not in conflict with
162 the constitution and laws of this state, necessary for the carrying on of the business, objects, and
163 affairs of the board and of the district; and

164 (11) To have and exercise all rights and powers necessary or incidental to or implied
165 from the specific powers granted by this section.

166 9. There is hereby created the "Exhibition Center and Recreational Facility District Sales
167 Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section.
168 The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall
169 be used solely for the purposes authorized in this section. Moneys in the trust fund shall be
170 considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The

171 director of revenue shall invest moneys in the trust fund in the same manner as other funds are
 172 invested. Any interest and moneys earned on such investments shall be credited to the trust fund.
 173 All sales taxes collected by the director of revenue pursuant to this section on behalf of the
 174 district, less one percent for the cost of collection which shall be deposited in the state's general
 175 revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo,
 176 shall be deposited in the trust fund. The director of revenue shall keep accurate records of the
 177 amount of moneys in the trust fund which was collected in the district imposing a sales tax
 178 pursuant to this section, and the records shall be open to the inspection of the officers of each
 179 district and the general public. Not later than the tenth day of each month, the director of
 180 revenue shall distribute all moneys deposited in the trust fund during the preceding month to the
 181 district. The director of revenue may authorize refunds from the amounts in the trust fund and
 182 credited to the district for erroneous payments and overpayments made, and may redeem
 183 dishonored checks and drafts deposited to the credit of the district.

184 10. The sales tax authorized by this section is in addition to all other sales taxes allowed
 185 by law. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo,
 186 apply to the sales tax imposed pursuant to this section.

187 11. Any sales tax imposed pursuant to this section shall not extend past the initial term
 188 approved by the voters unless an extension of the sales tax is submitted to and approved by the
 189 qualified voters in each county in the manner provided in this section. Each extension of the
 190 sales tax shall be for a period not to exceed twenty years. The ballot of submission for the
 191 extension shall be in substantially the following form:

192 Shall the (name of district) extend the sales tax of one-fourth of one percent for a
 193 period of (insert number of years) years to fund the acquisition, construction, maintenance,
 194 operation, improvement, and promotion of an exhibition center and recreational facilities?

195 YES NO

196

197 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 198 to the question, place an "X" in the box opposite "NO".

199

200 If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the
 201 rate and for the time period approved by the voters. If a sales tax extension is not approved, the
 202 district may submit another sales tax proposal as authorized in this section, but the district shall
 203 not submit such a proposal to the voters sooner than twelve months from the date of the last
 204 extension submitted.

205 12. Once the sales tax authorized by this section is abolished or terminated by any
206 means, all funds remaining in the trust fund shall be used solely for the purposes approved in the
207 ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while
208 the district has any financing or other obligations outstanding; provided that any new financing,
209 debt, or other obligation or any restructuring or refinancing of an existing debt or obligation
210 incurred more than ten years after voter approval of the sales tax provided in this section or more
211 than ten years after any voter-approved extension thereof shall not cause the extension of the
212 sales tax provided in this section or cause the final maturity of any financing or other obligations
213 outstanding to be extended. Any funds in the trust fund which are not needed for current
214 expenditures may be invested by the district in the securities described in subdivisions (1) to (12)
215 of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities.
216 If the district abolishes the sales tax, the district shall notify the director of revenue of the action
217 at least ninety days before the effective date of the repeal, and the director of revenue may order
218 retention in the trust fund, for a period of one year, of two percent of the amount collected after
219 receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem
220 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
221 after the effective date of abolition of the sales tax in the district, the director of revenue shall
222 remit the balance in the account to the district and close the account of the district. The director
223 of revenue shall notify the district of each instance of any amount refunded or any check
224 redeemed from receipts due the district.

225 13. In the event that the district is dissolved or terminated by any means, the governing
226 bodies of the counties in the district shall appoint a person to act as trustee for the district so
227 dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and
228 subscribe an oath to faithfully discharge the duties of the office, and shall give bond with
229 sufficient security, approved by the governing bodies of the counties, to the use of the dissolved
230 or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all
231 powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of
232 the district, shall pay over to the county treasurer of each county in the district and take receipt
233 for all remaining moneys in amounts based on the ratio the levy of each county bears to the total
234 levy for the district in the previous three years or since the establishment of the district,
235 whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver
236 to the clerk of the governing body of any county in the district all books, papers, records, and
237 deeds belonging to the dissolved district.

2 71.275. Notwithstanding any other provision of this chapter to the contrary, if the governing body of any municipality finds it in the public interest that a parcel of land

3 **within a research, development, or office park project established under section 172.273,**
4 **that is contiguous and compact to the existing corporate limits of the municipality and**
5 **located in an unincorporated area of the county, should be located in the municipality,**
6 **such municipality may annex such parcel provided that the municipality obtains written**
7 **consent of all the property owners located within the unincorporated area of such parcel.**

2 **92.013. Notwithstanding any other provision of law to the contrary, the collector**
3 **of revenue in any city not within a county who collects any charge for trash collection,**
4 **whether such charge is designated as a service charge under section 260.215 or otherwise,**
5 **may add such charge to the general tax levy bills issued for real property taxes within the**
6 **city or to any other bill issued within the city, or may bill such charge by any other method**
7 **chosen by the city. The collector may collect such charge in the same manner and to the**
8 **same extent as the collector collects real estate taxes and tax bills. Charges for trash**
9 **collection shall be certified to the collector by the department or division of the city**
10 **responsible for trash collection. If the certified charges are not paid, such charges shall be**
11 **deemed delinquent and the collector may collect such charges in the same manner and to**
12 **the same extent as the collector collects delinquent real estate taxes and tax bills, and such**
13 **charges shall be deemed a personal debt against the person owing such charges from the**
14 **date of the issuance of the bill for collecting such charges, and shall also be a lien on the**
person's real property until paid.

2 92.715. 1. The collectors of cities operating under the provisions of sections 92.700 to
3 92.920 shall proceed to collect the taxes contained in the back tax book or [record] **recorded** list
4 of the delinquent land and lots in the collector's office as herein required.

5 2. Any person interested in or the owner of any tract of land or lot contained in the back
6 tax book or in the recorded list of delinquent lands and lots in the collector's office may redeem
7 such tract of land or town lot, or any part thereof, from the state's or such city's lien thereon, by
8 paying to the proper collector the amount of the original taxes, together with interest from the
9 date of delinquency at the rate of [one] **two** percent per month with a maximum rate of [ten]
10 **eighteen** percent per annum and the costs. [For any delinquency occurring after January 1, 2000,
11 the rate shall not exceed the prime rate, which shall mean the average predominant prime rate
12 quoted by commercial banks to large businesses, as determined by the board of governors of the
13 Federal Reserve System.]

14 3. If suit shall have been commenced against any tract of land or town lot for the
15 collection of taxes, the person desiring to redeem any such land before judgment, in addition to
16 the original tax, interest and costs including attorney's fee accruing under this law, shall pay to
the city collector all necessary costs incurred in the court where the suit is pending, and the city

17 collector shall account to the clerk of the court in which said suit is filed for the court costs so
18 collected.

19 4. The provisions of the law with reference to the compromise of taxes shown on the
20 back tax book or recorded list of delinquent land and lots in the collector's office shall apply to
21 and shall also authorize the compromise of any judgment for taxes after the same had been
22 rendered therefor and up to that time when the property shall be sold under execution issued on
23 said judgment; such compromise to be authorized by the same officials and under the same
24 conditions as set forth under existing law for the compromise of taxes. The comptroller of any
25 city operating under the provisions of sections 92.700 to 92.920 shall serve in lieu of the county
26 commission. The comptroller shall also have the right to correct manifest errors.

**94.271. 1. The governing body of any city of the fourth classification with more
2 than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants
3 may impose a tax on the charges for all sleeping rooms paid by the transient guests of
4 hotels or motels situated in the city or a portion thereof, which shall not be more than five
5 percent per occupied room per night, except that such tax shall not become effective unless
6 the governing body of the city submits to the voters of the city at a state general or primary
7 election a proposal to authorize the governing body of the city to impose a tax under this
8 section. The tax authorized in this section shall be in addition to the charge for the sleeping
9 room and all other taxes imposed by law, and the proceeds of such tax shall be used by the
10 city for the promotion of tourism. Such tax shall be stated separately from all other
11 charges and taxes.**

12 **2. The ballot of submission for the tax authorized in this section shall be in
13 substantially the following form:**

14 **Shall (insert the name of the city) impose a tax on the charges for all sleeping
15 rooms paid by the transient guests of hotels and motels situated in (name of city) at
16 a rate of (insert rate of percent) percent for the purpose of promoting tourism?**

17 YES NO

18

19 **If a majority of the votes cast on the question by the qualified voters voting thereon are in
20 favor of the question, then the tax shall become effective on the first day of the second
21 calendar quarter following the calendar quarter in which the election was held. If a
22 majority of the votes cast on the question by the qualified voters voting thereon are
23 opposed to the question, then the tax authorized by this section shall not become effective
24 unless and until the question is resubmitted under this section to the qualified voters of the**

25 city and such question is approved by a majority of the qualified voters of the city voting
26 on the question.

27 3. As used in this section, "transient guests" means a person or persons who occupy
28 a room or rooms in a hotel or motel for thirty-one days or less during any calendar
29 quarter.

94.510. 1. Any city may, by a majority vote of its council or governing body, impose
2 a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500
3 to 94.550; provided, however, that no ordinance enacted pursuant to the authority granted by the
4 provisions of sections 94.500 to 94.550 shall be effective unless the legislative body of the city
5 submits to the voters of the city, at a public election, a proposal to authorize the legislative body
6 of the city to impose a tax under the provisions of sections 94.500 to 94.550.

7 The ballot of submission shall be in substantially the following form:

8 Shall the city of (insert name of city) impose a city sales tax of
9 (insert rate of percent) percent?

10 YES NO

11

12 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
13 of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority
14 of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative
15 body of the city shall have no power to impose the **proposed** tax herein authorized unless and
16 until the legislative body of the city shall again have submitted another proposal to authorize the
17 legislative body of the city to impose the tax under the provisions of sections 94.500 to 94.550,
18 and such proposal is approved by a majority of the qualified voters voting thereon. **Disapproval**
19 **of a proposal by the qualified voters shall not affect any tax already in effect.**

20 2. [The] A sales tax may be imposed at a rate of one-half of one percent, seven-eighths
21 of one percent or one percent on the receipts from the sale at retail of all tangible personal
22 property or taxable services at retail within any city adopting such tax, if such property and
23 services are subject to taxation by the state of Missouri under the provisions of sections 144.010
24 to 144.525, RSMo; except that, each city not within a county may **also** impose such tax at a rate
25 not to exceed one and three-eighths percent. **Beginning August 28, 2010, the combined rate**
26 **of sales taxes adopted under sections 94.500 to 94.550 shall not exceed two percent.**

27 3. If any city in which a city tax has been imposed in the manner provided for in sections
28 94.500 to 94.550 shall thereafter change or alter its boundaries, the city clerk of the city shall
29 forward to the director of revenue by United States registered mail or certified mail a certified
30 copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the

31 effective date thereof, and shall be accompanied by a map of the city clearly showing the territory
32 added thereto or detached therefrom. Upon receipt of the ordinance and map, the [tax imposed
33 by the act] **taxes** shall be effective in the added territory or abolished in the detached territory on
34 the effective date of the change of the city boundary.

35 **4. The changes to this section enacted by the ninety-fifth general assembly, second**
36 **regular session, shall not be construed to be a new tax or an increase in the current levy of**
37 **an existing tax for purposes of paragraph (a) of section 22, article X, Constitution of**
38 **Missouri, and cities that have already imposed and collected taxes under this section may**
39 **continue to collect such taxes under this section without further approval by the voters as**
40 **a continuation of a tax previously approved by the voters of such city.**

94.550. 1. All city sales taxes collected by the director of revenue under sections 94.500
2 to 94.550 on behalf of any city, less one percent for cost of collection which shall be deposited
3 in the state's general revenue fund after payment of premiums for surety bonds as provided in
4 section 32.087, RSMo, shall be deposited [with the state treasurer] in a special trust fund, which
5 is hereby created, to be known as the "City Sales Tax Trust Fund". The moneys in the city sales
6 tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds
7 of the state. The director of revenue shall keep accurate records of the amount of money in the
8 trust fund which was collected in each city imposing a city sales tax, and the records shall be
9 open to the inspection of officers of the city and the public. Not later than the tenth day of each
10 month the director of revenue shall distribute all moneys deposited in the trust fund during the
11 preceding month, to the city treasurer, or such other officer as may be designated by the city
12 ordinance, of each city imposing the tax authorized by sections 94.500 to 94.550, the sum due
13 the city as certified by the director of revenue.

14 2. The director of revenue may [authorize the state treasurer to] make refunds from the
15 amounts in the trust fund and credited to any city for erroneous payments and overpayments
16 made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any
17 city abolishes [the] **a tax**, the city shall notify the director of revenue of the action at least ninety
18 days prior to the effective date of the repeal and the director of revenue may order retention in
19 the trust fund, for a period of one year, of two percent of the amount collected after receipt of
20 such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks
21 and drafts deposited to the credit of such accounts. After one year has elapsed after the effective
22 date of abolition of [the tax] **all such taxes** in such city, the director of revenue shall [authorize
23 the state treasurer to] remit the balance in the account to the city and close the account of that
24 city. The director of revenue shall notify each city of each instance of any amount refunded or
25 any check redeemed from receipts.

26 **3. The changes to this section enacted by the ninety-fifth general assembly, second**
 27 **regular session, shall not be construed to be a new tax or an increase in the current levy of**
 28 **an existing tax for purposes of paragraph (a) of section 22, article X, Constitution of**
 29 **Missouri, and cities that have already imposed and collected taxes under this section may**
 30 **continue to collect such taxes under this section without further approval by the voters as**
 31 **a continuation of a tax previously approved by the voters of such city.**

94.577. 1. The governing body of any municipality except those located in whole or in
 2 part within any first class county having a charter form of government and not containing any
 3 part of a city with a population of four hundred thousand or more and adjacent to a city not
 4 within a county for that part of the municipality located within such first class county is hereby
 5 authorized to impose, by ordinance or order, a one-eighth, one-fourth, three-eighths, or one-half
 6 of one percent sales tax on all retail sales made in such municipality which are subject to taxation
 7 under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding capital
 8 improvements, including the operation and maintenance of capital improvements, which may
 9 be funded by issuing bonds which will be retired by the revenues received from the sales tax
 10 authorized by this section or the retirement of debt under previously authorized bonded
 11 indebtedness. A municipality located in a charter county may impose a sales tax on all retail
 12 sales for capital improvements as provided in section 94.890. The [tax] **taxes** authorized by this
 13 section shall be in addition to any and all other sales taxes allowed by law; but no ordinance
 14 imposing a sales tax under the provisions of this section shall be effective unless the governing
 15 body of the municipality submits to the voters of the municipality, at a municipal or state general,
 16 primary or special election, a proposal to authorize the governing body of the municipality to
 17 impose such tax and, if such tax is to be used to retire bonds authorized under this section, to
 18 authorize such bonds and their retirement by such tax, or to authorize the retirement of debt
 19 under previously authorized bonded indebtedness. **Beginning August 28, 2010, the combined**
 20 **rate of sales taxes adopted under this section by a municipality shall not exceed one**
 21 **percent.**

22 2. The ballot of submission shall contain, but need not be limited to:

23 (1) If the proposal submitted involves only authorization to impose the tax authorized
 24 by this section, the following language:

25 Shall the municipality of (municipality's name) impose a sales tax of (insert
 26 amount) for the purpose of funding capital improvements which may include the retirement of
 27 debt under previously authorized bonded indebtedness?

28 YES

NO

29

30 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
31 to the question, place an "X" in the box opposite "NO"; or

32 (2) If the proposal submitted involves authorization to issue bonds and repay such bonds
33 with revenues from the tax authorized by this section, the following language:

34 Shall the municipality of (municipality's name) issue bonds in the amount
35 of (insert amount) to fund capital improvements and impose a sales tax of (insert
36 amount) to repay bonds?

37 YES NO

38

39 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
40 to the question, place an "X" in box opposite "NO".

41

42 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
43 of the proposal, including when the proposal authorizes the reduction of debt under previously
44 authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or
45 order and any amendments thereto shall be in effect, except that any proposal submitted under
46 subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must
47 be approved by the constitutionally required percentage of the voters voting thereon to become
48 effective. If a majority of the votes cast by the qualified voters voting are opposed to the
49 proposal, then the governing body of the municipality shall have no power to issue any bonds
50 or impose the **proposed** sales tax authorized in this section unless and until the governing body
51 of the municipality shall again have submitted another proposal to authorize the governing body
52 of the municipality to issue any bonds or impose [the] a sales tax authorized by this section, and
53 such proposal is approved by the requisite majority of the qualified voters voting thereon;
54 however, in no event shall a proposal pursuant to this section be submitted to the voters sooner
55 than twelve months from the date of the last proposal pursuant to this section, except that any
56 municipality with a population of greater than four hundred thousand and located within more
57 than one county may submit a proposal pursuant to this section to the voters sooner than twelve
58 months from the date of the last proposal submitted pursuant to this section if submitted to the
59 voters on or before November 6, 2001. **Disapproval of a proposal by the qualified voters**
60 **shall not affect any tax already in effect.**

61 3. All revenue received by a municipality from the [tax] **taxes** authorized under the
62 provisions of this section shall be deposited in a special trust fund and shall be used solely for
63 capital improvements, including the operation and maintenance of capital improvements, for so
64 long as the [tax] **taxes** shall remain in effect. Once the [tax] **taxes** authorized by this section [is]

65 **are** abolished or [is] terminated by any means, all funds remaining in the special trust fund
66 required by this subsection shall be used solely for the maintenance of the capital improvements
67 made with revenues raised by the [tax] **taxes** authorized by this section. Any funds in the special
68 trust fund required by this subsection which are not needed for current expenditures may be
69 invested by the governing body in accordance with applicable laws relating to the investment of
70 other municipal funds. The provisions of this subsection shall apply only to taxes authorized by
71 this section which have not been imposed to retire bonds issued pursuant to this section.

72 4. All revenue received by a municipality which issues bonds under this section and
73 imposes the [tax] **taxes** authorized by this section to retire such bonds shall be deposited in a
74 special trust fund and shall be used solely to retire such bonds, except to the extent that such
75 funds are required for the operation and maintenance of capital improvements. Once all of such
76 bonds have been retired, all funds remaining in the special trust fund required by this subsection
77 shall be used solely for the maintenance of the capital improvements made with the revenue
78 received as a result of the issuance of such bonds. Any funds in the special trust fund required
79 by this subsection which are not needed to meet current obligations under the bonds issued under
80 this section may be invested by the governing body in accordance with applicable laws relating
81 to the investment of other municipal funds. The provisions of this subsection shall apply only
82 to taxes authorized by this section which have been imposed to retire bonds issued under this
83 section.

84 5. After the effective date of any tax imposed under the provisions of this section, the
85 director of revenue shall perform all functions incident to the administration, collection,
86 enforcement, and operation of the tax in the same manner as provided in sections 94.500 to
87 94.550, and the director of revenue shall collect in addition to the sales tax for the state of
88 Missouri the additional [tax] **taxes** authorized under the authority of this section. The tax
89 imposed pursuant to this section and the tax imposed under the sales tax law of the state of
90 Missouri shall be collected together and reported upon such forms and under such administrative
91 rules and regulations as may be prescribed by the director of revenue. Except as modified in this
92 section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the [tax] **taxes**
93 imposed under this section.

94 6. No tax imposed pursuant to this section for the purpose of retiring bonds issued under
95 this section may be terminated until all of such bonds have been retired.

96 7. In any city not within a county, no tax shall be imposed pursuant to this section for
97 the purpose of funding in whole or in part the construction, operation or maintenance of a sports
98 stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility

99 or anything incidental or necessary to a complex suitable for any type of professional sport or
100 recreation, either upon, above or below the ground.

101 8. Any tax imposed under this section in any home rule city with more than four hundred
102 thousand inhabitants and located in more than one county solely for public transit purposes shall
103 not be considered economic activity taxes as such term is defined under sections 99.805 and
104 99.918, RSMo, and tax revenues derived from such tax shall not be subject to allocation under
105 the provisions of subsection 3 of section 99.845, RSMo, or subsection 4 of section 99.957,
106 RSMo.

107 9. The director of revenue may [authorize the state treasurer to] make refunds from the
108 amounts in the trust fund and credited to any municipality for erroneous payments and
109 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
110 such municipalities. If any municipality abolishes [the] a tax, the municipality shall notify the
111 director of revenue of the action at least ninety days prior to the effective date of the repeal and
112 the director of revenue may order retention in the trust fund, for a period of one year, of two
113 percent of the amount collected after receipt of such notice to cover possible refunds or
114 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
115 such accounts. After one year has elapsed after the effective date of abolition of [the tax] **all**
116 **such taxes** in such municipality, the director of revenue shall remit the balance in the account
117 to the municipality and close the account of that municipality. The director of revenue shall
118 notify each municipality of each instance of any amount refunded or any check redeemed from
119 receipts due the municipality.

120 **10. If any municipality in which a tax has been imposed under this section changes**
121 **or alters its boundaries after the tax is imposed, the clerk of the municipality shall forward**
122 **to the director of revenue by United States registered mail or certified mail a certified copy**
123 **of the ordinance adding or detaching territory from the municipality. The ordinance shall**
124 **reflect its effective date, and shall be accompanied by a map of the municipality clearly**
125 **showing the territory added to or detached from the municipality. Upon receipt of the**
126 **ordinance and map, the taxes shall be effective in the attached territory, or abolished in the**
127 **detached territory, on the effective date of the change of the municipal boundary.**

128 **11. The changes to this section enacted by the ninety-fifth general assembly, second**
129 **regular session, shall not be construed to be a new tax or an increase in the current levy of**
130 **an existing tax for purposes of paragraph (a) of section 22, article X, Constitution of**
131 **Missouri, and cities that have already imposed and collected taxes under this section may**
132 **continue to collect such taxes under this section without further approval by the voters as**
133 **a continuation of a tax previously approved by the voters of such city.**

2 **94.832. 1. The governing body of any city of the third classification with more than**
3 **four thousand seven hundred but fewer than four thousand eight hundred inhabitants and**
4 **located in any county of the first classification with more than one hundred eighty-four**
5 **thousand but fewer than one hundred eighty-eight thousand inhabitants may impose, by**
6 **order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests**
7 **of hotels or motels situated in the city or a portion thereof. The tax shall be not more than**
8 **one-half of one percent per occupied room per night, and shall be imposed solely for the**
9 **purpose of funding tourism and infrastructure improvements. The tax authorized in this**
10 **section shall be in addition to the charge for the sleeping room and all other taxes imposed**
11 **by law, and shall be stated separately from all other charges and taxes.**

12 **2. No such order or ordinance shall become effective unless the governing body of**
13 **the city submits to the voters of the city at a state general, primary, or special election a**
14 **proposal to authorize the governing body of the city to impose a tax under this section. If**
15 **a majority of the votes cast on the question by the qualified voters voting thereon are in**
16 **favor of the question, then the tax shall become effective on the first day of the second**
17 **calendar quarter following the calendar quarter in which the election was held. If a**
18 **majority of the votes cast on the question by the qualified voters voting thereon are**
19 **opposed to the question, then the tax shall not become effective unless and until the**
20 **question is resubmitted under this section to the qualified voters of the city and such**
21 **question is approved by a majority of the qualified voters voting on the question.**

22 **3. All revenue generated by the tax shall be collected by the city collector of**
23 **revenue, shall be deposited in a special trust fund, and shall be used solely for the**
24 **designated purposes. If the tax is repealed, all funds remaining in the special trust fund**
25 **shall continue to be used solely for the designated purposes. Any funds in the special trust**
26 **fund that are not needed for current expenditures may be invested by the governing body**
27 **in accordance with applicable laws relating to the investment of other city funds. Any**
28 **interest and moneys earned on such investments shall be credited to the fund.**

29 **4. The governing body of any city that has adopted the tax authorized in this**
30 **section may submit the question of repeal of the tax to the voters on any date available for**
31 **elections for the city. If a majority of the votes cast on the proposal are in favor of the**
32 **repeal, that repeal shall become effective on December thirty-first of the calendar year in**
33 **which such repeal was approved. If a majority of the votes cast on the question by the**
34 **qualified voters voting thereon are opposed to the repeal, then the tax authorized in this**
section shall remain effective until the question is resubmitted under this section to the

35 qualified voters of the city, and the repeal is approved by a majority of the qualified voters
36 voting on the question.

37 **5. Whenever the governing body of any city that has adopted the tax authorized in**
38 **this section receives a petition, signed by a number of registered voters of the city equal to**
39 **at least ten percent of the number of registered voters of the city voting in the last**
40 **gubernatorial election, calling for an election to repeal the tax imposed under this section,**
41 **the governing body shall submit to the voters of the city a proposal to repeal the tax. If a**
42 **majority of the votes cast on the question by the qualified voters voting thereon are in favor**
43 **of the repeal, that repeal shall become effective on December thirty-first of the calendar**
44 **year in which such repeal was approved. If a majority of the votes cast on the question by**
45 **the qualified voters voting thereon are opposed to the repeal, then the tax shall remain**
46 **effective until the question is resubmitted under this section to the qualified voters of the**
47 **city and the repeal is approved by a majority of the qualified voters voting on the question.**

48 **6. As used in this section, "transient guests" means a person or persons who occupy**
49 **a room or rooms in a hotel or motel for thirty-one days or less during any calendar**
50 **quarter.**

104.810. 1. Employees of the Missouri state water patrol who are earning
2 **creditable service in the closed plan of the Missouri state employees' retirement system and**
3 **who are transferred to the division of water patrol with the Missouri state highway patrol**
4 **shall elect within ninety days of January 1, 2011, to either remain a member of the**
5 **Missouri state employees' retirement system or transfer membership and creditable service**
6 **to the closed plan of the Missouri department of transportation and highway patrol**
7 **employees' retirement system. The election shall be in writing after the employee has**
8 **received a detailed analysis comparing retirement, life insurance, disability benefits, and**
9 **medical benefits of a member of the Missouri state employees' retirement system with the**
10 **corresponding benefits provided an employee of the highway patrol covered by the closed**
11 **plan of the Missouri department of transportation and highway patrol employees'**
12 **retirement system. In electing plan membership, the employee shall acknowledge and**
13 **agree that an election made under this subsection is irrevocable and constitutes a waiver**
14 **to receive retirement, life insurance, disability benefits, and medical benefits except as**
15 **provided by the system elected by the employee. Furthermore, in connection with the**
16 **election, the employee shall be required to acknowledge that the benefits provided by**
17 **virtue of membership in either system, and any associated costs to the employee, may be**
18 **different now or in the future as a result of the election and that the employee agrees to**
19 **hold both systems harmless with regard to benefit differences resulting from the election.**

20 **2. Employees of the Missouri state water patrol who are earning creditable service**
21 **in the year 2000 plan of the Missouri state employees' retirement system and who are**
22 **transferred to the division of water patrol with the Missouri state highway patrol shall elect**
23 **within ninety days of January 1, 2011, to either remain a member of the Missouri state**
24 **employees' retirement system or transfer membership and creditable service to the year**
25 **2000 plan administered by the Missouri department of transportation and highway patrol**
26 **employees' retirement system. The election shall be in writing after the employee has**
27 **received a detailed analysis comparing retirement, life insurance, disability benefits, and**
28 **medical benefits of a member of the Missouri state employees' retirement system with the**
29 **corresponding benefits provided an employee of the highway patrol covered by the year**
30 **2000 plan of the Missouri department of transportation and highway patrol employees'**
31 **retirement system. In electing plan membership, the employee shall acknowledge and**
32 **agree that an election made under this subsection is irrevocable and constitutes a waiver**
33 **to receive retirement, life insurance, disability benefits, and medical benefits except as**
34 **provided by the system elected by the employee. Furthermore, in connection with the**
35 **election, the employee shall be required to acknowledge that the benefits provided by**
36 **virtue of membership in either system, and any associated costs to the employee, may be**
37 **different now or in the future as a result of the election and that the employee agrees to**
38 **hold both systems harmless with regard to benefit differences resulting from the election.**

39 **3. The Missouri state employees' retirement system shall pay to the Missouri**
40 **department of transportation and highway patrol employees' retirement system, by June**
41 **30, 2011, an amount actuarially determined to equal the liability at the time of the transfer**
42 **for any employee who elects under subsection 1 or 2 of this section to transfer to the**
43 **Missouri department of transportation and highway patrol employees' retirement system,**
44 **to the extent that liability is funded as of the most recent actuarial valuation and based on**
45 **the actuarial value of assets not to exceed one hundred percent.**

46 **4. In no event shall any employee receive service credit for the same period of**
47 **service under more than one retirement system as a result of the provisions of this section.**

48 **5. The only medical coverage available for any employee who elects under**
49 **subsection 1 or 2 of this section to transfer to the Missouri department of transportation**
50 **and highway patrol employees' retirement system shall be the medical coverage provided**
51 **in section 104.270. The effective date for commencement of medical coverage shall be July**
52 **1, 2011. However, this does not preclude medical coverage for the transferred employee**
53 **as a dependent under any other health care plan.**

54 **6. An employee who elects under subsection 1 or 2 of this section to transfer to the**
55 **Missouri department of transportation and highway patrol employees' retirement system**
56 **and who is also thereafter a uniformed member of the highway patrol shall be subject to**
57 **the mandatory retirement age stated in section 108.081.**

135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

- 2 (1) "Average wage", the new payroll divided by the number of new jobs;
- 3 (2) "Blighted area", an area which, by reason of the predominance of defective or
4 inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,
5 improper subdivision or obsolete platting, or the existence of conditions which endanger life or
6 property by fire and other causes, or any combination of such factors, retards the provision of
7 housing accommodations or constitutes an economic or social liability or a menace to the public
8 health, safety, morals, or welfare in its present condition and use;
- 9 (3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;
- 10 (4) **"Certified industrial zone", an area of real property that:**
 - 11 **(a) Encompasses not less than one hundred acres that has been approved as a**
12 **certified site by the department;**
 - 13 **(b) Has been found by ordinance to be blighted by the governing authority; and**
 - 14 **(c) Is located in a census tract which has a poverty rate of twenty percent or more,**
15 **or for which the median income that is below eighty percent of the greater than statewide**
16 **median income or metropolitan median income for the metropolitan statistical area in**
17 **which the certified industrial zone is located;**
- 18 (5) **"Certified site", an area of property designated as a certified site by the**
19 **department under the certified sites program;**
- 20 (6) "Commencement of commercial operations" shall be deemed to occur during the first
21 taxable year for which the new business facility is first put into use by the taxpayer in the
22 enhanced business enterprise in which the taxpayer intends to use the new business facility;
- 23 [(5)] (7) "County average wage", the average wages in each county as determined by the
24 department for the most recently completed full calendar year. However, if the computed county
25 average wage is above the statewide average wage, the statewide average wage shall be deemed
26 the county average wage for such county for the purpose of determining eligibility. The
27 department shall publish the county average wage for each county at least annually.
28 Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in
29 conjunction with their project is relocating employees from a Missouri county with a higher
30 county average wage, such taxpayer shall obtain the endorsement of the governing body of the

31 community from which jobs are being relocated or the county average wage for their project shall
32 be the county average wage for the county from which the employees are being relocated;

33 [(6)] (8) "Department", the department of economic development;

34 [(7)] (9) "Director", the director of the department of economic development;

35 [(8)] (10) "Employee", a person employed by the enhanced business enterprise that is
36 scheduled to work an average of at least one thousand hours per year, and such person at all
37 times has health insurance offered to him or her, which is partially paid for by the employer;

38 [(9)] (11) "Enhanced business enterprise", an industry or one of a cluster of industries
39 that is either:

40 (a) Identified by the department as critical to the state's economic security and growth
41 **and in the case of a business enterprise located in a certified industrial zone, will also**
42 **include data processing, hosting, and related services (NAICS 518210) and Internet**
43 **publishing and broadcasting and web search portals (NAICS 519130); or**

44 (b) Will have an impact on industry cluster development, as identified by the governing
45 authority in its application for designation of an enhanced enterprise zone and approved by the
46 department; but excluding gambling establishments (NAICS industry group 7132), retail trade
47 (NAICS sectors 44 and 45), [educational services (NAICS sector 61),] religious organizations
48 (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking
49 places (NAICS subsector 722), however, notwithstanding provisions of this section to the
50 contrary, headquarters or administrative offices of an otherwise excluded business may qualify
51 for benefits if the offices serve a multistate territory. In the event a national, state, or regional
52 headquarters operation is not the predominant activity of a project facility, the new jobs and
53 investment of such headquarters operation is considered eligible for benefits under this section
54 if the other requirements are satisfied. Service industries may be eligible only if a majority of
55 its annual revenues will be derived from out of the state.

56

57 **In the case of a certified industrial zone, enhanced business enterprise shall include a**
58 **private entity that has improved all or a portion of the area within an enhanced enterprise**
59 **zone to prepare the site for a business enterprise that qualifies under paragraph (a) or (b)**
60 **of this subdivision;**

61 [(10)] (12) "Existing business facility", any facility in this state which was employed by
62 the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately
63 prior to an expansion, acquisition, addition, or replacement;

64 [(11)] (13) "Facility", any building used as an enhanced business enterprise located
65 within an enhanced enterprise zone, including the land on which the facility is located and all

66 machinery, equipment, and other real and depreciable tangible personal property acquired for use
67 at and located at or within such facility and used in connection with the operation of such
68 facility;

69 [(12)] **(14)** "Facility base employment", the greater of the number of employees located
70 at the facility on the date of the notice of intent, or for the twelve-month period prior to the date
71 of the notice of intent, the average number of employees located at the facility, or in the event
72 the project facility has not been in operation for a full twelve-month period, the average number
73 of employees for the number of months the facility has been in operation prior to the date of the
74 notice of intent;

75 [(13)] **(15)** "Facility base payroll", the total amount of taxable wages paid by the
76 enhanced business enterprise to employees of the enhanced business enterprise located at the
77 facility in the twelve months prior to the notice of intent, not including the payroll of owners of
78 the enhanced business enterprise unless the enhanced business enterprise is participating in an
79 employee stock ownership plan. For the purposes of calculating the benefits under this program,
80 the amount of base payroll shall increase each year based on the consumer price index or other
81 comparable measure, as determined by the department;

82 [(14)] **(16)** "Governing authority", the body holding primary legislative authority over
83 a county or incorporated municipality;

84 [(15)] **(17)** "Megaproject", any manufacturing or assembling facility, approved by the
85 department for construction and operation within an enhanced enterprise zone, which satisfies
86 the following:

87 (a) The new capital investment is projected to exceed three hundred million dollars over
88 a period of eight years from the date of approval by the department;

89 (b) The number of new jobs is projected to exceed one thousand over a period of eight
90 years beginning on the date of approval by the department;

91 (c) The average wage of new jobs to be created shall exceed the county average wage;

92 (d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty
93 percent of such insurance premiums; and

94 (e) An acceptable plan of repayment, to the state, of the tax credits provided for the
95 megaproject has been provided by the taxpayer;

96 [(16)] **(18)** "NAICS", the [1997] **2007** edition of the North American Industry
97 Classification System as prepared by the Executive Office of the President, Office of
98 Management and Budget. Any NAICS sector, subsector, industry group or industry identified
99 in this section shall include its corresponding classification in subsequent federal industry
100 classification systems;

101 [(17)] (19) "New business facility", a facility that satisfies the following requirements:

102 (a) Such facility is employed by the taxpayer in the operation of an enhanced business
103 enterprise. Such facility shall not be considered a new business facility in the hands of the
104 taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person
105 or persons. If the taxpayer employs only a portion of such facility in the operation of an
106 enhanced business enterprise, and leases another portion of such facility to another person or
107 persons or does not otherwise use such other portions in the operation of an enhanced business
108 enterprise, the portion employed by the taxpayer in the operation of an enhanced business
109 enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c),
110 and (d) of this subdivision are satisfied;

111 (b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A
112 facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31,
113 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding
114 contract to transfer title to the taxpayer, or the commencement of the term of the lease to the
115 taxpayer occurs after December 31, 2004;

116 (c) If such facility was acquired by the taxpayer from another taxpayer and such facility
117 was employed immediately prior to the acquisition by another taxpayer in the operation of an
118 enhanced business enterprise, the operation of the same or a substantially similar enhanced
119 business enterprise is not continued by the taxpayer at such facility; and

120 (d) Such facility is not a replacement business facility, as defined in subdivision [(25)]
121 (27) of this section.

122

123 **Notwithstanding any provision of this subdivision to the contrary, in the case of a private**
124 **entity that has improved a certified industrial zone as described in the last sentence of**
125 **subdivision (11) of this section, any such improvements made or constructed to prepare all**
126 **or a portion of the site shall constitute a new business facility and any party acquiring all**
127 **or a portion of such new business facility may elect to assume the obligations of such**
128 **private entity upon terms acceptable to the department and shall be deemed to constitute**
129 **the prior taxpayer;**

130 [(18)] (20) "New business facility employee", an employee of the taxpayer in the
131 operation of a new business facility during the taxable year for which the credit allowed by
132 section 135.967 or 136.969 is claimed, except that truck drivers and rail and barge vehicle
133 operators and other operators of rolling stock for hire shall not constitute new business facility
134 employees;

135 [(19)] **(21)** "New business facility investment", the value of real and depreciable tangible
136 personal property, acquired by the taxpayer **or on its behalf in the case of a lease**, as part of the
137 new business facility, which is used by the taxpayer in the operation of the new business facility,
138 during the taxable year for which the credit allowed by 135.967 **or 135.969** is claimed, except
139 that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other
140 rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not
141 constitute new business facility investments. The total value of such property during such
142 taxable year shall be:

143 (a) Its original cost if owned by the taxpayer; or

144 (b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental
145 rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the
146 taxpayer from subrentals. The new business facility investment shall be determined by dividing
147 by twelve the sum of the total value of such property on the last business day of each calendar
148 month of the taxable year. If the new business facility is in operation for less than an entire
149 taxable year, the new business facility investment shall be determined by dividing the sum of the
150 total value of such property on the last business day of each full calendar month during the
151 portion of such taxable year during which the new business facility was in operation by the
152 number of full calendar months during such period;

153 [(20)] **(22)** "New job", the number of employees located at the facility that exceeds the
154 facility base employment less any decrease in the number of the employees at related facilities
155 below the related facility base employment. No job that was created prior to the date of the
156 notice of intent shall be deemed a new job;

157 [(21)] **(23)** "Notice of intent", a form developed by the department which is completed
158 by the enhanced business enterprise and submitted to the department which states the enhanced
159 business enterprise's intent to hire new jobs and request benefits under such program;

160 [(22)] **(24)** "Related facility", a facility operated by the enhanced business enterprise or
161 a related company in this state that is directly related to the operation of the project facility;

162 [(23)] **(25)** "Related facility base employment", the greater of:

163 (a) The number of employees located at all related facilities on the date of the notice of
164 intent; or

165 (b) For the twelve-month period prior to the date of the notice of intent, the average
166 number of employees located at all related facilities of the enhanced business enterprise or a
167 related company located in this state;

168 [(24)] **(26)** "Related taxpayer":

169 (a) A corporation, partnership, trust, or association controlled by the taxpayer;

170 (b) An individual, corporation, partnership, trust, or association in control of the
171 taxpayer; or

172 (c) A corporation, partnership, trust or association controlled by an individual,
173 corporation, partnership, trust or association in control of the taxpayer. "Control of a
174 corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty
175 percent of the total combined voting power of all classes of stock entitled to vote, "control of a
176 partnership or association" shall mean ownership of at least fifty percent of the capital or profits
177 interest in such partnership or association, and "control of a trust" shall mean ownership, directly
178 or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such
179 trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code
180 of 1986, as amended;

181 [(25)] (27) "Replacement business facility", a facility otherwise described in subdivision
182 [(17)] (19) of this section, hereafter referred to in this subdivision as "new facility", which
183 replaces another facility, hereafter referred to in this subdivision as "old facility", located within
184 the state, which the taxpayer or a related taxpayer previously operated but discontinued operating
185 on or before the close of the first taxable year for which the credit allowed by this section is
186 claimed. A new facility shall be deemed to replace an old facility if the following conditions are
187 met:

188 (a) The old facility was operated by the taxpayer or a related taxpayer during the
189 taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which
190 commencement of commercial operations occurs at the new facility; and

191 (b) The old facility was employed by the taxpayer or a related taxpayer in the operation
192 of an enhanced business enterprise and the taxpayer continues the operation of the same or
193 substantially similar enhanced business enterprise at the new facility. Notwithstanding the
194 preceding provisions of this subdivision, a facility shall not be considered a replacement business
195 facility if the taxpayer's new business facility investment, as computed in subdivision [(19)] (21)
196 of this section, in the new facility during the tax period for which the credits allowed in section
197 135.967 or 135.969 are claimed exceed one million dollars and if the total number of employees
198 at the new facility exceeds the total number of employees at the old facility by at least two;

199 [(26)] (28) "Same or substantially similar enhanced business enterprise", an enhanced
200 business enterprise in which the nature of the products produced or sold, or activities conducted,
201 are similar in character and use or are produced, sold, performed, or conducted in the same or
202 similar manner as in another enhanced business enterprise.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the
2 following criteria in order to qualify as an enhanced enterprise zone:

3 (1) The area shall be a blighted area, have pervasive poverty, unemployment and general
4 distress; and

5 (2) At least sixty percent of the residents living in the area have incomes below ninety
6 percent of the median income of all residents:

7 (a) Within the state of Missouri, according to the last decennial census or other
8 appropriate source as approved by the director; or

9 (b) Within the county or city not within a county in which the area is located, according
10 to the last decennial census or other appropriate source as approved by the director; and

11 (3) The resident population of the area shall be at least five hundred but not more than
12 one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies
13 within a metropolitan statistical area, as established by the United States Census Bureau, or if
14 the area does not lie within a metropolitan statistical area, the resident population of the area at
15 the time of designation shall be at least five hundred but not more than forty thousand
16 inhabitants. If the population of the jurisdiction of the governing authority does not meet the
17 minimum population requirements set forth in this subdivision, the population of the area must
18 be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise
19 zone shall be created which consists of the total area within the political boundaries of a county;
20 and

21 (4) The level of unemployment of persons, according to the most recent data available
22 from the United States Bureau of Census and approved by the director, within the area is equal
23 to or exceeds the average rate of unemployment for:

24 (a) The state of Missouri over the previous twelve months; or

25 (b) The county or city not within a county over the previous twelve months.

26 2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an
27 enhanced enterprise zone may be established in an area located within a county for which public
28 and individual assistance has been requested by the governor pursuant to Section 401 of the
29 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for
30 an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural
31 disaster of major proportions, if the area to be designated is blighted and sustained severe
32 damage as a result of such natural disaster, as determined by the state emergency management
33 agency. An application for designation as an enhanced enterprise zone pursuant to this
34 subsection shall be made before the expiration of one year from the date the governor requested
35 federal relief for the area sought to be designated.

36 3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an
37 enhanced enterprise zone may be designated in a county of declining population if it meets the

38 requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the
39 purposes of this subsection, a "county of declining population" is one that has lost one percent
40 or more of its population as demonstrated by comparing the most recent decennial census
41 population to the next most recent decennial census population for the county.

42 **4. Notwithstanding the requirements of subsection 1 of this section to the contrary,**
43 **a certified industrial zone may be designated as an enhanced enterprise zone if the certified**
44 **industrial zone meets the criteria set forth in subdivision (4) of section 135.950.**

45 **5.** In addition to meeting the requirements of subsection 1, 2, [or] 3, or 4 of this section,
46 an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing
47 authority to have either:

48 (1) The potential to create sustainable jobs in a targeted industry; or

49 (2) A demonstrated impact on local industry cluster development.

135.957. 1. A governing authority planning to seek designation of an enhanced
2 enterprise zone shall establish an enhanced enterprise zone board. The number of members on
3 the board shall be seven. One member of the board shall be appointed by the school district or
4 districts located within the area proposed for designation as an enhanced enterprise zone. One
5 member of the board shall be appointed by other affected taxing districts. The remaining five
6 members shall be chosen by the chief elected official of the county or municipality.

7 2. The school district member and the affected taxing district member shall each have
8 initial terms of five years. Of the five members appointed by the chief elected official, two shall
9 have initial terms of four years, two shall have initial terms of three years, and one shall have an
10 initial term of two years. Thereafter, members shall serve terms of five years. Each
11 commissioner shall hold office until a successor has been appointed. All vacancies shall be filled
12 in the same manner as the original appointment. For inefficiency or neglect of duty or
13 misconduct in office, a member of the board may be removed by the applicable appointing
14 authority.

15 3. A majority of the members shall constitute a quorum of such board for the purpose
16 of conducting business and exercising the powers of the board and for all other purposes. Action
17 may be taken by the board upon a vote of a majority of the members present.

18 4. The members of the board annually shall elect a chair from among the members.

19 **5. In the case of a certified industrial zone regarding which a finding of blight has**
20 **been made as provided in subdivision (1) of subsection 1 of section 99.810, the commission**
21 **created under section 99.820 may, at the sole option of the governing authority, supplant**
22 **and replace the board established in accordance with subsection 1 of this section and the**
23 **composition and organization of such commission shall be in accordance with section**

24 **99.820. If the governing authority elects for such commission to serve in the capacity of the**
25 **enhanced enterprise zone board instead of this board established in accordance with**
26 **subsection 1 of this section, the commission shall fulfill the role and duties of the board**
27 **under subsection 6 of this section.**

28 **6.** The role of the board **or such commission as described in subsection 5 of this**
29 **section** shall be to conduct the activities necessary to advise the governing authority on the
30 designation of an enhanced enterprise zone and any other advisory duties as determined by the
31 governing authority. The role of the board after the designation of an enhanced enterprise zone
32 shall be review and assessment of zone activities as it relates to the annual reports as set forth
33 in section 135.960.

135.960. 1. **(1)** Any governing authority that desires to have any portion of a city or
2 unincorporated area of a county under its control designated as an enhanced enterprise zone shall
3 hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons
4 who will be affected by such designation. The governing authority shall notify the director of
5 such hearing at least thirty days prior thereto and shall publish notice of such hearing in a
6 newspaper of general circulation in the area to be affected by such designation at least twenty
7 days prior to the date of the hearing but not more than thirty days prior to such hearing. Such
8 notice shall state the time, location, date, and purpose of the hearing. The director, or the
9 director's designee, shall attend such hearing.

10 **(2) In the alternative, any governing authority that has made the necessary findings**
11 **by ordinance to designate a certified industrial zone as a blighted area as contemplated**
12 **under subdivision (1) of subsection 1 of section 99.820 prior to December 31, 2010, shall**
13 **not be required to conduct an additional public hearing to establish the certified industrial**
14 **zone as an enhanced enterprise zone so long as the governing authority notifies the director**
15 **of such hearing at least thirty days prior thereto. Any governing authority that seeks to**
16 **make the necessary finding to designate a certified industrial zone as an enhanced**
17 **enterprise zone after December 31, 2010, may do so pursuant to a public hearing required**
18 **under sections 99.820 and 99.825 conducted by the commission, and such public hearing**
19 **shall satisfy the public hearing requirement set forth in subsection 1 of this section so long**
20 **as the governing authority notifies the director of such hearing at least thirty days prior**
21 **thereto.**

22 2. After a public hearing is held as required in subsection 1 of this section, the governing
23 authority may file a petition with the department requesting the designation of a specific area as
24 an enhanced enterprise zone. Such petition shall include, in addition to a description of the
25 physical, social, and economic characteristics of the area:

- 26 (1) A plan to provide adequate police protection within the area;
- 27 (2) A specific and practical process for individual businesses to obtain waivers from
28 burdensome local regulations, ordinances, and orders which serve to discourage economic
29 development within the area to be designated an enhanced enterprise zone, except that such
30 waivers shall not substantially endanger the health or safety of the employees of any such
31 business or the residents of the area;
- 32 (3) A description of what other specific actions will be taken to support and encourage
33 private investment within the area;
- 34 (4) A plan to ensure that resources are available to assist area residents to participate in
35 increased development through self-help efforts and in ameliorating any negative effects of
36 designation of the area as an enhanced enterprise zone;
- 37 (5) A statement describing the projected positive and negative effects of designation of
38 the area as an enhanced enterprise zone;
- 39 (6) A specific plan to provide assistance to any person or business dislocated as a result
40 of activities within the enhanced enterprise zone. Such plan shall determine the need of
41 dislocated persons for relocation assistance; provide, prior to displacement, information about
42 the type, location, and price of comparable housing or commercial property; provide information
43 concerning state and federal programs for relocation assistance and provide other advisory
44 services to displaced persons. Public agencies may choose to provide assistance under the
45 Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet
46 the requirements of this subdivision; and
- 47 (7) A description or plan that demonstrates the requirements of subsection 4 of section
48 135.953.
- 49 3. An enhanced enterprise zone designation shall be effective upon such approval **or**
50 **deemed approval** by the department and shall expire in twenty-five years. **Notwithstanding**
51 **the requirements of subsection 2 of this section to the contrary, any certified industrial**
52 **zone that has been designated as a blighted area as contemplated under subdivision (1) of**
53 **subsection 1 of section 99.820 by the governing body or any certified industrial zone that**
54 **has been otherwise designated as an enhanced enterprise zone by the governing authority**
55 **under this section shall be deemed approved and designated as an enhanced enterprise**
56 **zone without further approval of or additional action being taken by the department. Such**
57 **approval of the department of the certified industrial zone as an enhanced enterprise zone**
58 **shall be deemed effective when the governing authority provides written notice to the**
59 **department of its intent to establish such enhanced enterprise zone and such notice is**

60 **accompanied with a petition that includes all of the information required under subsection**
61 **2 of this section.**

62 4. Each designated enhanced enterprise zone board shall report to the director on an
63 annual basis regarding the status of the zone and business activity within the zone.

135.963. 1. Improvements made to real property as such term is defined in section
2 137.010, RSMo, which are made in an enhanced enterprise zone subsequent to the date such
3 zone or expansion thereto was designated, may, upon approval of an authorizing resolution by
4 the governing authority having jurisdiction of the area in which the improvements are made, be
5 exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more
6 affected political subdivisions. In addition to enhanced business enterprises, a speculative
7 industrial or warehouse building constructed by a public entity or a private entity if the land is
8 leased by a public entity may be subject to such exemption **and any improvements undertaken**
9 **by a private entity in a certified industrial zone designated as an enhanced enterprise zone**
10 **may also be subject to such exemption.**

11 2. Such authorizing resolution shall specify the percent of the exemption to be granted,
12 the duration of the exemption to be granted, and the political subdivisions to which such
13 exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy
14 of the resolution shall be provided to the director within thirty calendar days following adoption
15 of the resolution by the governing authority.

16 3. No exemption shall be granted until the governing authority holds a public hearing
17 for the purpose of obtaining the opinions and suggestions of residents of political subdivisions
18 to be affected by the exemption from property taxes. The governing authority shall send, by
19 certified mail, a notice of such hearing to each political subdivision in the area to be affected and
20 shall publish notice of such hearing in a newspaper of general circulation in the area to be
21 affected by the exemption at least twenty days prior to the hearing but not more than thirty days
22 prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

23 4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes
24 otherwise imposed on subsequent improvements to real property located in an enhanced
25 enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings
26 as indicated in subsection 1 of this section, **including a certified industrial zone of enhanced**
27 **business enterprises**, shall become and remain exempt from assessment and payment of ad
28 valorem taxes of any political subdivision of this state or municipality thereof for a period of not
29 less than ten years following the date such improvements were assessed, provided the improved
30 properties are used for enhanced business enterprises. The exemption for speculative buildings
31 is subject to the approval of the governing authority for a period not to exceed two years if the

32 building is owned by a private entity and five years if the building is owned or ground leased by
33 a public entity. This shall not preclude the building receiving an exemption for the remaining
34 time period established by the governing authority if it was occupied by an enhanced business
35 enterprise. The two- and five-year time periods indicated for speculative buildings shall not be
36 an addition to the local abatement time period for such facility.

37 5. No exemption shall be granted for a period more than twenty-five years following the
38 date on which the original enhanced enterprise zone was designated **or deemed approved** by
39 the department.

40 6. The provisions of subsection 1 of this section shall not apply to improvements made
41 to real property begun prior to August 28, 2004.

42 7. The abatement referred to in this section shall not relieve the assessor or other
43 responsible official from ascertaining the amount of the equalized assessed value of all taxable
44 property annually as required by section 99.855, 99.957, or 99.1042, RSMo, and shall not have
45 the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection
46 1 of section 99.845, RSMo, subdivision (2) of subsection 3 of section 99.957, RSMo, or
47 subdivision (2) of subsection 3 of section 99.1042, RSMo, unless such reduction is set forth in
48 the plan approved by the governing body of the municipality pursuant to subdivision (1) of
49 subsection 1 of section 99.820, section 99.942, or section 99.1027, RSMo.

135.967. 1. A taxpayer who establishes a new business facility may, upon approval by
2 the department, be allowed a credit, each tax year for up to ten tax years, in an amount
3 determined as set forth in this section, against the tax imposed by chapter 143, RSMo, excluding
4 withholding tax imposed by sections 143.191 to 143.265, RSMo. No taxpayer shall receive
5 multiple ten-year periods for subsequent expansions at the same facility. **Notwithstanding the**
6 **provisions of this subsection, the provisions of section 135.969 shall govern the issuance of**
7 **tax credits for a new business facility in a certified industrial zone approved and**
8 **designated as an enhanced enterprise zone, except for the amount of tax credits to be issued**
9 **with respect to such certified industrial zone as provided in subsection 5 of this section.**

10 2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes
11 a new business facility in an enhanced enterprise zone and is awarded state tax credits under this
12 section may not also receive tax credits under sections 135.100 to 135.150, sections 135.200 to
13 135.286, or section 135.535, and may not simultaneously receive tax credits under sections
14 620.1875 to 620.1890, RSMo, at the same facility.

15 3. No credit shall be issued pursuant to this section unless:

16 (1) The number of new business facility employees engaged or maintained in
17 employment at the new business facility for the taxable year for which the credit is claimed
18 equals or exceeds two; and

19 (2) The new business facility investment for the taxable year for which the credit is
20 claimed equals or exceeds one hundred thousand dollars.

21 4. The annual amount of credits allowed for an approved enhanced business enterprise
22 shall be the lesser of:

23 (1) The annual amount authorized by the department for the enhanced business
24 enterprise, which shall be limited to the projected state economic benefit, as determined by the
25 department; or

26 (2) The sum calculated based upon the following:

27 (a) A credit of four hundred dollars for each new business facility employee employed
28 within an enhanced enterprise zone;

29 (b) An additional credit of four hundred dollars for each new business facility employee
30 who is a resident of an enhanced enterprise zone;

31 (c) An additional credit of four hundred dollars for each new business facility employee
32 who is paid by the enhanced business enterprise a wage that exceeds the average wage paid
33 within the county in which the facility is located, as determined by the department; and

34 (d) A credit equal to two percent of new business facility investment within an enhanced
35 enterprise zone.

36 5. Prior to January 1, 2007, in no event shall the department authorize more than four
37 million dollars annually to be issued for all enhanced business enterprises. After December 31,
38 2006, in no event shall the department authorize more than twenty-four million dollars annually
39 to be issued for all enhanced business enterprises, **including any such enhanced business**
40 **enterprises locating in certified industrial zones under section 135.969.**

41 6. If a facility, which does not constitute a new business facility, is expanded by the
42 taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

43 (1) The taxpayer's new business facility investment in the expansion during the tax
44 period in which the credits allowed in this section are claimed exceeds one hundred thousand
45 dollars and if the number of new business facility employees engaged or maintained in
46 employment at the expansion facility for the taxable year for which credit is claimed equals or
47 exceeds two, and the total number of employees at the facility after the expansion is at least two
48 greater than the total number of employees before the expansion; and

49 (2) The taxpayer's investment in the expansion and in the original facility prior to
50 expansion shall be determined in the manner provided in subdivision [(19)] **(21)** of section
51 135.950.

52 7. The number of new business facility employees during any taxable year shall be
53 determined by dividing by twelve the sum of the number of individuals employed on the last
54 business day of each month of such taxable year. If the new business facility is in operation for
55 less than the entire taxable year, the number of new business facility employees shall be
56 determined by dividing the sum of the number of individuals employed on the last business day
57 of each full calendar month during the portion of such taxable year during which the new
58 business facility was in operation by the number of full calendar months during such period. For
59 the purpose of computing the credit allowed by this section in the case of a facility which
60 qualifies as a new business facility under subsection 6 of this section, and in the case of a new
61 business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(19)** of
62 section 135.950, or subdivision [(25)] **(27)** of section 135.950, the number of new business
63 facility employees at such facility shall be reduced by the average number of individuals
64 employed, computed as provided in this subsection, at the facility during the taxable year
65 immediately preceding the taxable year in which such expansion, acquisition, or replacement
66 occurred and shall further be reduced by the number of individuals employed by the taxpayer or
67 related taxpayer that was subsequently transferred to the new business facility from another
68 Missouri facility and for which credits authorized in this section are not being earned, whether
69 such credits are earned because of an expansion, acquisition, relocation, or the establishment of
70 a new facility.

71 8. In the case where a new business facility employee who is a resident of an enhanced
72 enterprise zone for less than a twelve-month period is employed for less than a twelve-month
73 period, the credits allowed by paragraph (b) of subdivision (2) of subsection 4 of this section
74 shall be determined by multiplying four hundred dollars by a fraction, the numerator of which
75 is the number of calendar days during the taxpayer's tax year for which such credits are claimed,
76 in which the employee was a resident of an enhanced enterprise zone, and the denominator of
77 which is three hundred sixty-five.

78 9. For the purpose of computing the credit allowed by this section in the case of a facility
79 which qualifies as a new business facility pursuant to subsection 6 of this section, and in the case
80 of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)]
81 **(19)** of section 135.950 or subdivision [(25)] **(27)** of section 135.950, the amount of the
82 taxpayer's new business facility investment in such facility shall be reduced by the average
83 amount, computed as provided in subdivision [(19)] **(21)** of section 135.950 for new business

84 facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding
85 such expansion or replacement or at the time of acquisition. Furthermore, the amount of the
86 taxpayer's new business facility investment shall also be reduced by the amount of investment
87 employed by the taxpayer or related taxpayer which was subsequently transferred to the new
88 business facility from another Missouri facility and for which credits authorized in this section
89 are not being earned, whether such credits are earned because of an expansion, acquisition,
90 relocation, or the establishment of a new facility.

91 10. For a taxpayer with flow-through tax treatment to its members, partners, or
92 shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to
93 their share of ownership on the last day of the taxpayer's tax period.

94 11. Credits may not be carried forward but shall be claimed for the taxable year during
95 which commencement of commercial operations occurs at such new business facility, and for
96 each of the nine succeeding taxable years for which the credit is issued.

97 12. Certificates of tax credit authorized by this section may be transferred, sold, or
98 assigned by filing a notarized endorsement thereof with the department that names the transferee,
99 the amount of tax credit transferred, and the value received for the credit, as well as any other
100 information reasonably requested by the department. The sale price cannot be less than
101 seventy-five percent of the par value of such credits.

102 13. The director of revenue shall issue a refund to the taxpayer to the extent that the
103 amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

104 14. Prior to the issuance of tax credits, the department shall verify through the
105 department of revenue, or any other state department, that the tax credit applicant does not owe
106 any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent
107 fees or assessments levied by any state department and through the department of insurance,
108 financial institutions and professional registration that the applicant does not owe any delinquent
109 insurance taxes. Such delinquency shall not affect the authorization of the application for such
110 tax credits, except that the amount of credits issued shall be reduced by the applicant's tax
111 delinquency. If the department of revenue or the department of insurance, financial institutions
112 and professional registration, or any other state department, concludes that a taxpayer is
113 delinquent after June fifteenth but before July first of any year and the application of tax credits
114 to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer
115 shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions
116 to tax shall be tolled. After applying all available credits toward a tax delinquency, the
117 administering agency shall notify the appropriate department, and that department shall update
118 the amount of outstanding delinquent tax owed by the applicant. If any credits remain after

119 satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be
120 issued to the applicant, subject to the restrictions of other provisions of law.

**135.969. 1. A taxpayer who establishes a new business facility in a certified
2 industrial zone approved or designated as an enhanced enterprise zone shall be allowed a
3 credit, each tax year for up to ten tax years, in an amount determined as set forth in this
4 section, against the tax imposed by chapter 143, excluding withholding tax imposed by
5 sections 143.191 to 143.265. No taxpayer shall receive multiple ten-year periods for
6 subsequent expansions at the same facility.**

**7 2. Notwithstanding any provision of law to the contrary, any taxpayer who
8 establishes a new business facility in a certified industrial zone approved or designated as
9 an enhanced enterprise zone and accepts state tax credits under this section shall not also
10 receive tax credits under sections 135.200 to 135.286 or section 135.535, and shall not
11 simultaneously receive tax credits under sections 620.1875 to 620.1890 at the same facility.**

12 3. No credit shall be issued under this section unless:

**13 (1) The number of new business facility employees engaged or maintained in
14 employment at the new business facility for the taxable year for which the credit is claimed
15 equals or exceeds two; or**

**16 (2) The total of all new business facility investments made in connection with a new
17 business facility equals or exceeds a total aggregate expenditure of ten million dollars or
18 if the total of all new business facility investments is less than ten million dollars, the new
19 business facility investment for the taxable year for which the credit is claimed equals or
20 exceeds one million dollars.**

**21 4. The annual amount of tax credits authorized to be issued for enhanced business
22 enterprise located in a certified industrial zone shall be the sum of the following:**

**23 (1) A tax credit equal to ten percent of the gross wages of each new business facility
24 employee employed within the enhanced enterprise zone; and**

**25 (2) A tax credit equal to five percent of new business facility investment within an
26 enhanced enterprise zone.**

**27 5. As set forth in section 135.967, up to twenty-four million dollars of tax credits
28 shall be authorized annually for issuance of tax credits for all enhanced enterprise zones
29 including any tax credits issued with respect to certified industrial zones of which ten
30 million shall be used exclusively for tax credits in accordance with this section. Once a new
31 business facility meets the threshold criteria set out in subsection 3 of this section, the
32 annual tax credit authorization available for issuance of tax credits for all other enhanced
33 enterprise zones shall be reduced in the amount of tax credits issued to the taxpayer**

34 responsible for such qualifying new business facility unless the taxpayer fails to claim such
35 tax credits in the years following the initial qualification. If a new business facility
36 investment qualifies the taxpayer for tax credits in excess of the available annual
37 authorization limit set out in this subsection, the taxpayer may carry such excess new
38 business facility investment amount forward to subsequent years and shall be treated as
39 a new business facility investment for such later years until the taxpayer has received
40 issuance of all tax credits authorized under this section.

41 **6. If a facility, which does not constitute a new business facility, is expanded by the**
42 **taxpayer, the expansion shall be considered eligible for the credit allowed by this section**
43 **if:**

44 **(1) The taxpayer's new business facility investment in the expansion during the tax**
45 **period in which the credits allowed in this section are claimed exceeds one hundred**
46 **thousand dollars and if the number of new business facility employees engaged or**
47 **maintained in employment at the expansion facility for the taxable year for which credit**
48 **is claimed equals or exceeds two, and the total number of employees at the facility after the**
49 **expansion is at least two greater than the total number of employees before the expansion;**
50 **and**

51 **(2) The taxpayer's investment in the expansion and in the original facility prior to**
52 **expansion shall be determined in the manner provided in subdivision (21) of section**
53 **135.950.**

54 **7. The number of new business facility employees during any taxable year shall be**
55 **determined by dividing by twelve the sum of the number of individuals employed on the**
56 **last business day of each month of such taxable year. If the new business facility is in**
57 **operation for less than the entire taxable year, the number of new business facility**
58 **employees shall be determined by dividing the sum of the number of individuals employed**
59 **on the last business day of each full calendar month during the portion of such taxable year**
60 **during which the new business facility was in operation by the number of full calendar**
61 **months during such period. For the purpose of computing the credit allowed by this**
62 **section in the case of a facility which qualifies as a new business facility under subsection**
63 **6 of this section, and in the case of a new business facility which satisfies the requirements**
64 **of paragraph (c) of subdivision (19) or (27) of section 135.950, the number of new business**
65 **facility employees at such facility shall be reduced by the average number of individuals**
66 **employed, computed as provided in this subsection, at the facility during the taxable year**
67 **immediately preceding the taxable year in which such expansion, acquisition, or**
68 **replacement occurred and shall further be reduced by the number of individuals employed**

69 by the taxpayer or related taxpayer that was subsequently transferred to the new business
70 facility from another Missouri facility and for which credits authorized in this section are
71 not being earned, whether such credits are earned because of an expansion, acquisition,
72 relocation, or the establishment of a new facility.

73 **8. For the purpose of computing the credit allowed by this section in the case of a**
74 **facility which qualifies as a new business facility under subsection 6 of this section, and in**
75 **the case of a new business facility which satisfies the requirements of paragraph (c) of**
76 **subdivision (19) or (27) of section 135.950, the amount of the taxpayer's new business**
77 **facility investment in such facility shall be reduced by the average amount, computed as**
78 **provided in subdivision (21) of section 135.950 for new business facility investment, of the**
79 **investment of the taxpayer, or related taxpayer immediately preceding such expansion or**
80 **replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new**
81 **business facility investment shall also be reduced by the amount of investment employed**
82 **by the taxpayer or related taxpayer which was subsequently transferred to the new**
83 **business facility from another Missouri facility and for which credits authorized in this**
84 **section are not being earned, whether such credits are earned because of an expansion,**
85 **acquisition, relocation, or the establishment of a new facility.**

86 **9. For a taxpayer with flow-through tax treatment to its members, partners, or**
87 **shareholders, the credit shall be allowed to members, partners, or shareholders in**
88 **proportion to their share of ownership on the last day of the taxpayer's tax period.**

89 **10. Credits may not be carried forward but shall be claimed for the taxable year**
90 **during which commencement of commercial operations occurs at such new business**
91 **facility, and for each of the nine succeeding taxable years for which the credit is issued.**

92 **11. Certificates of tax credit authorized by this section may be transferred, sold, or**
93 **assigned by filing a notarized endorsement thereof with the department that names the**
94 **transferee, the amount of tax credit transferred, and the value received for the credit, as**
95 **well as any other information reasonably requested by the department. The sale price**
96 **cannot be less than seventy-five percent of the par value of such credits.**

97 **12. The director of revenue shall issue a refund to the taxpayer to the extent that**
98 **the amount of credits allowed in this section exceeds the amount of the taxpayer's income**
99 **tax.**

100 **13. Prior to the issuance of tax credits, the department shall verify through the**
101 **department of revenue, or any other state department, that the tax credit applicant does**
102 **not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or**
103 **any delinquent fees or assessments levied by any state department and through the**

104 **department of insurance, financial institutions and professional registration that the**
105 **applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect**
106 **the authorization of the application for such tax credits, except that the amount of credits**
107 **issued shall be reduced by the applicant's tax delinquency. If the department of revenue**
108 **or the department of insurance, financial institutions and professional registration, or any**
109 **other state department, concludes that a taxpayer is delinquent after June fifteenth but**
110 **before July first of any year and the application of tax credits to such delinquency causes**
111 **a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty**
112 **days to satisfy the deficiency in which interest, penalties, and additions to tax shall be**
113 **tolled. After applying all available credits toward a tax delinquency, the administering**
114 **agency shall notify the appropriate department, and that department shall update the**
115 **amount of outstanding delinquent tax owed by the applicant. If any credits remain after**
116 **satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits**
117 **shall be issued to the applicant, subject to the restrictions of other provisions of law.**

118 **14. In addition to the tax credits authorized in this section, any taxpayer who**
119 **establishes a new business facility in a certified industrial zone approved or designated as**
120 **an enhanced enterprise zone shall also receive tax credits as authorized under subsection**
121 **4 of section 135.967 after first taking into account those tax credits authorized under**
122 **subdivisions (1) and (2) of subsection 4 of this section to calculate the projected economic**
123 **benefit as required by subdivision (1) of subsection 4 of section 135.967.**

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's
2 deputies in all counties of this state including the city of St. Louis shall annually make a list of
3 all real and tangible personal property taxable in the assessor's city, county, town or district.
4 Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor
5 shall annually assess all personal property at thirty-three and one-third percent of its true value
6 in money as of January first of each calendar year. The assessor shall annually assess all real
7 property, including any new construction and improvements to real property, and possessory
8 interests in real property at the percent of its true value in money set in subsection 5 of this
9 section. The true value in money of any possessory interest in real property in subclass (3),
10 where such real property is on or lies within the ultimate airport boundary as shown by a federal
11 airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139
12 certification and owned by a political subdivision, shall be the otherwise applicable true value
13 in money of any such possessory interest in real property, less the total dollar amount of costs
14 paid by a party, other than the political subdivision, towards any new construction or
15 improvements on such real property completed after January 1, 2008, and which are included in

16 the above-mentioned possessory interest, regardless of the year in which such costs were incurred
17 or whether such costs were considered in any prior year. The assessor shall annually assess all
18 real property in the following manner: new assessed values shall be determined as of January
19 first of each odd-numbered year and shall be entered in the assessor's books; those same assessed
20 values shall apply in the following even-numbered year, except for new construction and
21 property improvements which shall be valued as though they had been completed as of January
22 first of the preceding odd-numbered year. The assessor may call at the office, place of doing
23 business, or residence of each person required by this chapter to list property, and require the
24 person to make a correct statement of all taxable tangible personal property owned by the person
25 or under his or her care, charge or management, taxable in the county. On or before January first
26 of each even-numbered year, the assessor shall prepare and submit a two-year assessment
27 maintenance plan to the county governing body and the state tax commission for their respective
28 approval or modification. The county governing body shall approve and forward such plan or
29 its alternative to the plan to the state tax commission by February first. If the county governing
30 body fails to forward the plan or its alternative to the plan to the state tax commission by
31 February first, the assessor's plan shall be considered approved by the county governing body.
32 If the state tax commission fails to approve a plan and if the state tax commission and the
33 assessor and the governing body of the county involved are unable to resolve the differences, in
34 order to receive state cost-share funds outlined in section 137.750, the county or the assessor
35 shall petition the administrative hearing commission, by May first, to decide all matters in
36 dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter
37 may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by
38 the parties. The final decision of the administrative hearing commission shall be subject to
39 judicial review in the circuit court of the county involved. In the event a valuation of subclass
40 (1) real property within any county with a charter form of government, or within a city not within
41 a county, is made by a computer, computer-assisted method or a computer program, the burden
42 of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be
43 on the assessor at any hearing or appeal. In any such county, unless the assessor proves
44 otherwise, there shall be a presumption that the assessment was made by a computer,
45 computer-assisted method or a computer program. Such evidence shall include, but shall not be
46 limited to, the following:

47 (1) The findings of the assessor based on an appraisal of the property by generally
48 accepted appraisal techniques; and

49 (2) The purchase prices from sales of at least three comparable properties and the address
50 or location thereof. As used in this subdivision, the word "comparable" means that:

51 (a) Such sale was closed at a date relevant to the property valuation; and

52 (b) Such properties are not more than one mile from the site of the disputed property,
53 except where no similar properties exist within one mile of the disputed property, the nearest
54 comparable property shall be used. Such property shall be within five hundred square feet in size
55 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,
56 and other relevant characteristics.

57 2. Assessors in each county of this state and the city of St. Louis may send personal
58 property assessment forms through the mail.

59 3. The following items of personal property shall each constitute separate subclasses of
60 tangible personal property and shall be assessed and valued for the purposes of taxation at the
61 following percentages of their true value in money:

62 (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one
63 percent;

64 (2) Livestock, twelve percent;

65 (3) Farm machinery, twelve percent;

66 (4) Motor vehicles which are eligible for registration as and are registered as historic
67 motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five
68 years old and which are used solely for noncommercial purposes and are operated less than fifty
69 hours per year or aircraft that are home built from a kit, five percent;

70 (5) Poultry, twelve percent; [and]

71 (6) Tools and equipment used for pollution control and tools and equipment used in
72 retooling for the purpose of introducing new product lines or used for making improvements to
73 existing products by any company which is located in a state enterprise zone and which is
74 identified by any standard industrial classification number cited in subdivision (6) of section
75 135.200, RSMo, twenty-five percent;

76 (7) **Tools, telecommunications equipment, power production and transmission**
77 **machinery and equipment, data processing machinery and equipment, and other**
78 **machinery and equipment that can be used by any company which is located within an**
79 **enhanced enterprise zone designated as such a zone in accordance with subsection 4 of**
80 **section 135.953, one-half of one percent; and**

81 (8) **Commercial vehicles licensed with a gross weight of ten thousand one hundred**
82 **pounds or more that are powered only by battery-generated electrical energy, seventeen**
83 **percent if produced before January 1, 2014.**

84 4. The person listing the property shall enter a true and correct statement of the property,
85 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed

86 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered
87 to the assessor.

88 5. All subclasses of real property, as such subclasses are established in section 4(b) of
89 article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the
90 following percentages of true value:

91 (1) For real property in subclass (1), nineteen percent;

92 (2) For real property in subclass (2), twelve percent; and

93 (3) For real property in subclass (3), thirty-two percent.

94 6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used
95 as dwelling units shall be assessed at the same percentage of true value as residential real
96 property for the purpose of taxation. The percentage of assessment of true value for such
97 manufactured homes shall be the same as for residential real property. If the county collector
98 cannot identify or find the manufactured home when attempting to attach the manufactured home
99 for payment of taxes owed by the manufactured home owner, the county collector may request
100 the county commission to have the manufactured home removed from the tax books, and such
101 request shall be granted within thirty days after the request is made; however, the removal from
102 the tax books does not remove the tax lien on the manufactured home if it is later identified or
103 found. A manufactured home located in a manufactured home rental park, rental community or
104 on real estate not owned by the manufactured home owner shall be considered personal property.
105 A manufactured home located on real estate owned by the manufactured home owner may be
106 considered real property.

107 7. Each manufactured home assessed shall be considered a parcel for the purpose of
108 reimbursement pursuant to section 137.750, unless the manufactured home has been converted
109 to real property in compliance with section 700.111, RSMo, and assessed as a realty
110 improvement to the existing real estate parcel.

111 8. Any amount of tax due and owing based on the assessment of a manufactured home
112 shall be included on the personal property tax statement of the manufactured home owner unless
113 the manufactured home has been converted to real property in compliance with section 700.111,
114 RSMo, in which case the amount of tax due and owing on the assessment of the manufactured
115 home as a realty improvement to the existing real estate parcel shall be included on the real
116 property tax statement of the real estate owner.

117 9. The assessor of each county and each city not within a county shall use the trade-in
118 value published in the October issue of the National Automobile Dealers' Association Official
119 Used Car Guide, or its successor publication, as the recommended guide of information for
120 determining the true value of motor vehicles described in such publication. In the absence of a

121 listing for a particular motor vehicle in such publication, the assessor shall use such information
122 or publications which in the assessor's judgment will fairly estimate the true value in money of
123 the motor vehicle.

124 10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)
125 real property by more than fifteen percent since the last assessment, excluding increases due to
126 new construction or improvements, the assessor shall conduct a physical inspection of such
127 property.

128 11. If a physical inspection is required, pursuant to subsection 10 of this section, the
129 assessor shall notify the property owner of that fact in writing and shall provide the owner clear
130 written notice of the owner's rights relating to the physical inspection. If a physical inspection
131 is required, the property owner may request that an interior inspection be performed during the
132 physical inspection. The owner shall have no less than thirty days to notify the assessor of a
133 request for an interior physical inspection.

134 12. A physical inspection, as required by subsection 10 of this section, shall include, but
135 not be limited to, an on-site personal observation and review of all exterior portions of the land
136 and any buildings and improvements to which the inspector has or may reasonably and lawfully
137 gain external access, and shall include an observation and review of the interior of any buildings
138 or improvements on the property upon the timely request of the owner pursuant to subsection 11
139 of this section. Mere observation of the property via a drive-by inspection or the like shall not
140 be considered sufficient to constitute a physical inspection as required by this section.

141 13. The provisions of subsections 11 and 12 of this section shall only apply in any county
142 with a charter form of government with more than one million inhabitants.

143 14. A county or city collector may accept credit cards as proper form of payment of
144 outstanding property tax or license due. No county or city collector may charge surcharge for
145 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,
146 processor, or issuer for its service. A county or city collector may accept payment by electronic
147 transfers of funds in payment of any tax or license and charge the person making such payment
148 a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic
149 payment.

150 15. Any county or city not within a county in this state may, by an affirmative vote of
151 the governing body of such county, opt out of the provisions of this section and sections 137.073,
152 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general
153 assembly, second regular session and section 137.073 as modified by house committee substitute
154 for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general
155 assembly, second regular session, for the next year of the general reassessment, prior to January

156 first of any year. No county or city not within a county shall exercise this opt-out provision after
157 implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo,
158 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and
159 section 137.073 as modified by house committee substitute for senate substitute for senate
160 committee substitute for senate bill no. 960, ninety-second general assembly, second regular
161 session, in a year of general reassessment. For the purposes of applying the provisions of this
162 subsection, a political subdivision contained within two or more counties where at least one of
163 such counties has opted out and at least one of such counties has not opted out shall calculate a
164 single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general
165 assembly, second regular session. A governing body of a city not within a county or a county
166 that has opted out under the provisions of this subsection may choose to implement the
167 provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by
168 house bill no. 1150 of the ninety-first general assembly, second regular session, and section
169 137.073 as modified by house committee substitute for senate substitute for senate committee
170 substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the
171 next year of general reassessment, by an affirmative vote of the governing body prior to
172 December thirty-first of any year.

173 16. The governing body of any city of the third classification with more than twenty-six
174 thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located
175 in any county that has exercised its authority to opt out under subsection 15 of this section may
176 levy separate and differing tax rates for real and personal property only if such city bills and
177 collects its own property taxes or satisfies the entire cost of the billing and collection of such
178 separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax
179 rate ceiling.

140.100. 1. Each tract of land in the back tax book, in addition to the amount of tax
2 delinquent, shall be charged with a penalty of eighteen percent of each year's delinquency except
3 that the penalty on lands redeemed prior to sale shall not exceed two percent per month or
4 fractional part thereof. [In any city not within a county which elects to operate under the
5 provisions of this chapter pursuant to section 141.970, RSMo, the maximum penalty on any
6 delinquency occurring after January 1, 2000, shall not exceed the prime rate, which shall mean
7 the average predominant prime rate quoted by commercial banks to large businesses, as
8 determined by the Board of Governors of the Federal Reserve System.]

9 2. For making and recording the delinquent land lists, the collector and the clerk shall
10 receive ten cents per tract or lot and the clerk shall receive five cents per tract or lot for
11 comparing and authenticating such list.

141.830. 1. The collectors of such cities not within a county shall proceed to collect the
2 taxes contained in the back tax book or recorded list of the delinquent land and lots in the
3 collector's office as herein required.

4 2. Any person interested in or the owner of any tract of land or lot contained in the back
5 tax book or in the recorded list of delinquent lands and lots in the collector's office may redeem
6 such tract of land or town lot, or any part thereof, from the state's or such city's lien thereon, by
7 paying to the proper collector the amount of the original taxes, together with interest from the
8 date of delinquency at the rate of ten percent per annum and the costs until January 1, 1983, and
9 beginning on January 1, 1983, at the rate of **two percent per month, not to exceed** eighteen
10 percent per annum and the costs. [For any delinquency occurring after January 1, 2000, the rate
11 shall not exceed the prime rate, which shall mean the average predominant prime rate quoted by
12 commercial banks to large businesses, as determined by the Board of Governors of the Federal
13 Reserve System.]

14 3. If suit shall have been commenced against any person owing taxes on any tract of land
15 or town lot for the collection of taxes, the person desiring to redeem any such land before
16 judgment, in addition to the original tax, interest and costs including attorney's fee accruing
17 under this law, shall pay to the city collector all necessary costs incurred in the court where the
18 suit is pending, and the city collector shall account to the clerk of the court in which such suit
19 is filed for the court costs so collected.

**144.019. 1. Notwithstanding any other provision of law to the contrary, when a
2 purchase of tangible personal property or service subject to tax is made for the purpose of
3 resale, such purchase is exempt or excluded under this chapter if the subsequent sale is
4 subject to a tax in this or any other state, is for resale, is excluded from tax under this
5 chapter, is subject to tax but exempt under this chapter, or is exempt from the sales tax
6 laws of another state if the subsequent sale is in such other state. The purchase of tangible
7 personal property by a taxpayer shall not be deemed to be for resale if such property is
8 used or consumed by the taxpayer in providing a service on which tax is not imposed by
9 subsection 1 of section 144.020, except purchases made in fulfillment of any obligation
10 under a defense contract with the United States government.**

11 **2. For purposes of subdivision (2) of subsection 1 of section 144.020, the operator
12 of a place of amusement, entertainment or recreation, including games or athletic events,
13 must remit tax on the amount paid for admissions or seating accommodations, or fees paid
14 to, or in such place of amusement, entertainment or recreation. Any subsequent sale of
15 such admissions or seating accommodations shall not be subject to tax if the initial sale was
16 an arms length transaction for fair market value with an unaffiliated entity. If the sale of**

17 such admissions or seating accommodations is exempt or excluded from payment of sales
18 and use taxes, this provision does not require the place of amusement, entertainment, or
19 recreation to remit tax on that sale.

20 **3. For purposes of subdivision (6) of subsection 1 of section 144.020, the operator**
21 **of a hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin,**
22 **tourist camp, or other place in which rooms, meals, or drinks are regularly served to the**
23 **public must remit tax on the amount of sales or charges for all rooms, meals, and drinks**
24 **furnished at such hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car,**
25 **tourist cabin, tourist camp, or other place in which rooms, meals, or drinks are regularly**
26 **served to the public. Any subsequent sale of such rooms, meals, or drinks shall not be**
27 **subject to tax if the initial sale was an arms length transaction for fair market value with**
28 **an unaffiliated entity. If the sale of such rooms, meals, or drinks is exempt or excluded**
29 **from payment of sales and use taxes, this provision does not require the hotel, motel,**
30 **tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, or**
31 **other place in which rooms, meals, or drinks are regularly served to the public to remit tax**
32 **on that sale.**

33 **4. The provisions of this section are intended to clarify the exemption or exclusion**
34 **of purchases for resale from sales and use taxes as originally enacted in this chapter.**

144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and
11 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to
12 the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections
13 144.010 to 144.525 and 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel
16 to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into

18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with
23 the growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) Replacement machinery, equipment, and parts and the materials and supplies solely
39 required for the installation or construction of such replacement machinery, equipment, and
40 parts, used directly in manufacturing, mining, fabricating or producing a product which is
41 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
42 the materials and supplies required solely for the operation, installation or construction of such
43 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
44 material recovery processing plants in this state. For the purposes of this subdivision, a "material
45 recovery processing plant" means a facility that has as its primary purpose the recovery of
46 materials into a useable product or a different form which is used in producing a new product and
47 shall include a facility or equipment which are used exclusively for the collection of recovered
48 materials for delivery to a material recovery processing plant but shall not include motor vehicles
49 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
50 the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse of
51 materials within a manufacturing process or the use of a product previously recovered. The

52 material recovery processing plant shall qualify under the provisions of this section regardless
53 of ownership of the material being recovered;

54 (5) Machinery and equipment, and parts and the materials and supplies solely required
55 for the installation or construction of such machinery and equipment, purchased and used to
56 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
57 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
58 which is intended to be sold ultimately for final use or consumption;

59 (6) Tangible personal property which is used exclusively in the manufacturing,
60 processing, modification or assembling of products sold to the United States government or to
61 any agency of the United States government;

62 (7) Animals or poultry used for breeding or feeding purposes;

63 (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and
64 other machinery, equipment, replacement parts and supplies used in producing newspapers
65 published for dissemination of news to the general public;

66 (9) The rentals of films, records or any type of sound or picture transcriptions for public
67 commercial display;

68 (10) Pumping machinery and equipment used to propel products delivered by pipelines
69 engaged as common carriers;

70 (11) Railroad rolling stock for use in transporting persons or property in interstate
71 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
72 more or trailers used by common carriers, as defined in section 390.020, RSMo, in the
73 transportation of persons or property;

74 (12) Electrical energy used in the actual primary manufacture, processing, compounding,
75 mining or producing of a product, or electrical energy used in the actual secondary processing
76 or fabricating of the product, or a material recovery processing plant as defined in subdivision
77 (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
78 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
79 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
80 contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo.
81 There shall be a rebuttable presumption that the raw materials used in the primary manufacture
82 of automobiles contain at least twenty-five percent recovered materials. For purposes of this
83 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
84 materials to transform and reduce them to a different state or thing, including treatment necessary
85 to maintain or preserve such processing by the producer at the production facility;

86 (13) Anodes which are used or consumed in manufacturing, processing, compounding,
87 mining, producing or fabricating and which have a useful life of less than one year;

88 (14) Machinery, equipment, appliances and devices purchased or leased and used solely
89 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
90 solely required for the installation, construction or reconstruction of such machinery, equipment,
91 appliances and devices;

92 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
93 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
94 solely required for the installation, construction or reconstruction of such machinery, equipment,
95 appliances and devices;

96 (16) Tangible personal property purchased by a rural water district;

97 (17) All amounts paid or charged for admission or participation or other fees paid by or
98 other charges to individuals in or for any place of amusement, entertainment or recreation, games
99 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
100 municipality or other political subdivision where all the proceeds derived therefrom benefit the
101 municipality or other political subdivision and do not inure to any private person, firm, or
102 corporation;

103 (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,
104 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
105 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
106 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
107 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
108 administer those items, including samples and materials used to manufacture samples which may
109 be dispensed by a practitioner authorized to dispense such samples and all sales of medical
110 oxygen, home respiratory equipment and accessories, hospital beds and accessories and
111 ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers,
112 electronic Braille equipment and, if purchased by or on behalf of a person with one or more
113 physical or mental disabilities to enable them to function more independently, all sales of
114 scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and
115 augmentative communication devices, and items used solely to modify motor vehicles to permit
116 the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or
117 nonprescription drugs to individuals with disabilities;

118 (19) All sales made by or to religious and charitable organizations and institutions in
119 their religious, charitable or educational functions and activities and all sales made by or to all

120 elementary and secondary schools operated at public expense in their educational functions and
121 activities;

122 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce
123 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
124 including fraternal organizations which have been declared tax-exempt organizations pursuant
125 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or
126 charitable functions and activities and all sales made to eleemosynary and penal institutions and
127 industries of the state, and all sales made to any private not-for-profit institution of higher
128 education not otherwise excluded pursuant to subdivision (19) of this subsection or any
129 institution of higher education supported by public funds, and all sales made to a state relief
130 agency in the exercise of relief functions and activities;

131 (21) All ticket sales made by benevolent, scientific and educational associations which
132 are formed to foster, encourage, and promote progress and improvement in the science of
133 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
134 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
135 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
136 fair conducted by a county agricultural and mechanical society organized and operated pursuant
137 to sections 262.290 to 262.530, RSMo;

138 (22) All sales made to any private not-for-profit elementary or secondary school, all sales
139 of feed additives, medications or vaccines administered to livestock or poultry in the production
140 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
141 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
142 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
143 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
144 defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new
145 generation cooperative or an eligible new generation processing entity as defined in section
146 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor
147 vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible
148 personal property which, when mixed with feed for livestock or poultry, is to be used in the
149 feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes
150 adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used
151 to improve or enhance the effect of a pesticide and the foam used to mark the application of
152 pesticides and herbicides for the production of crops, livestock or poultry. As used in this
153 subdivision, the term "farm machinery and equipment" means new or used farm tractors and such
154 other new or used farm machinery and equipment and repair or replacement parts thereon, and

155 supplies and lubricants used exclusively, solely, and directly for producing crops, raising and
156 feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale
157 at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel
158 therefor which is:

159 (a) Used exclusively for agricultural purposes;

160 (b) Used on land owned or leased for the purpose of producing farm products; and

161 (c) Used directly in producing farm products to be sold ultimately in processed form or
162 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
163 ultimately in processed form at retail;

164 (23) Except as otherwise provided in section 144.032, all sales of metered water service,
165 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil
166 for domestic use and in any city not within a county, all sales of metered or unmetered water
167 service for domestic use:

168 (a) "Domestic use" means that portion of metered water service, electricity, electrical
169 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
170 within a county, metered or unmetered water service, which an individual occupant of a
171 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
172 service through a single or master meter for residential apartments or condominiums, including
173 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
174 Each seller shall establish and maintain a system whereby individual purchases are determined
175 as exempt or nonexempt;

176 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
177 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
178 with and approved by the Missouri public service commission. Sales and purchases made
179 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
180 of the occupants of residential apartments or condominiums through a single or master meter,
181 including service for common areas and facilities and vacant units, shall be considered as sales
182 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
183 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
184 service rate classification and the provision of service thereunder shall be conclusive as to
185 whether or not the utility must charge sales tax;

186 (c) Each person making domestic use purchases of services or property and who uses any
187 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
188 of the fourth month following the year of purchase, and without assessment, notice or demand,
189 file a return and pay sales tax on that portion of nondomestic purchases. Each person making

190 nondomestic purchases of services or property and who uses any portion of the services or
191 property so purchased for domestic use, and each person making domestic purchases on behalf
192 of occupants of residential apartments or condominiums through a single or master meter,
193 including service for common areas and facilities and vacant units, under a nonresidential utility
194 service rate classification may, between the first day of the first month and the fifteenth day of
195 the fourth month following the year of purchase, apply for credit or refund to the director of
196 revenue and the director shall give credit or make refund for taxes paid on the domestic use
197 portion of the purchase. The person making such purchases on behalf of occupants of residential
198 apartments or condominiums shall have standing to apply to the director of revenue for such
199 credit or refund;

200 (24) All sales of handicraft items made by the seller or the seller's spouse if the seller or
201 the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such
202 sales do not constitute a majority of the annual gross income of the seller;

203 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
204 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of
205 revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local
206 sales taxes on such excise taxes;

207 (26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne
208 vessels which are used primarily in or for the transportation of property or cargo, or the
209 conveyance of persons for hire, on navigable rivers bordering on or located in part in this state,
210 if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while
211 it is afloat upon such river;

212 (27) All sales made to an interstate compact agency created pursuant to sections 70.370
213 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and
214 activities of such agency as provided pursuant to the compact;

215 (28) Computers, computer software and computer security systems purchased for use
216 by architectural or engineering firms headquartered in this state. For the purposes of this
217 subdivision, "headquartered in this state" means the office for the administrative management
218 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

219 (29) All livestock sales when either the seller is engaged in the growing, producing or
220 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
221 or leasing of such livestock;

222 (30) All sales of barges which are to be used primarily in the transportation of property
223 or cargo on interstate waterways;

224 (31) Electrical energy or gas, whether natural, artificial or propane, water, or other
225 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
226 products or in any material recovery processing plant as defined in subdivision (4) of this
227 subsection;

228 (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or
229 herbicides used in the production of crops, aquaculture, livestock or poultry;

230 (33) Tangible personal property and utilities purchased for use or consumption directly
231 or exclusively in the research and development of agricultural/biotechnology and plant genomics
232 products and prescription pharmaceuticals consumed by humans or animals;

233 (34) All sales of grain bins for storage of grain for resale;

234 (35) All sales of feed which are developed for and used in the feeding of pets owned by
235 a commercial breeder when such sales are made to a commercial breeder, as defined in section
236 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

237 (36) All purchases by a contractor on behalf of an entity located in another state,
238 provided that the entity is authorized to issue a certificate of exemption for purchases to a
239 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
240 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
241 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
242 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
243 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
244 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
245 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
246 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
247 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
248 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
249 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
250 or remodeling facilities for the following:

251 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
252 project exemption certificates in accordance with the provisions of section 144.062; or

253 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
254 an exemption certificate to contractors in accordance with the provisions of that state's law and
255 the applicable provisions of this section;

256 (37) All sales or other transfers of tangible personal property to a lessor who leases the
257 property under a lease of one year or longer executed or in effect at the time of the sale or other

258 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo,
259 or sections 238.010 to 238.100, RSMo;

260 (38) Sales of tickets to any collegiate athletic championship event that is held in a facility
261 owned or operated by a governmental authority or commission, a quasi-governmental agency,
262 a state university or college or by the state or any political subdivision thereof, including a
263 municipality, and that is played on a neutral site and may reasonably be played at a site located
264 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
265 is not located on the campus of a conference member institution participating in the event;

266 (39) All purchases by a sports complex authority created under section 64.920, [RSMo]
267 **and all sales of utilities by such authority at the authority's cost that are consumed in**
268 **connection with the operation of a sports complex leased to a professional sports team;**

269 (40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement
270 parts, and equipment purchased for use directly upon, and for the modification, replacement,
271 repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

272 (41) **All gratuities, whether mandatory or voluntary, provided in conjunction with**
273 **the receipt of property or services regardless of whether such property or service may be**
274 **subject to tax under the provisions of this chapter.**

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

2 (1) "Processing", any mode of treatment, act, or series of acts performed upon materials
3 to transform or reduce them to a different state or thing, including treatment necessary to
4 maintain or preserve such processing by the producer at the production facility;

5 (2) "Recovered materials", those materials which have been diverted or removed from
6 the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent
7 separation and processing.

8 2. In addition to all other exemptions granted under this chapter, there is hereby
9 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
10 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010
11 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or
12 propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used
13 or consumed in the manufacturing, processing, compounding, mining, or producing of any
14 product, or used or consumed in the processing of recovered materials, or used in research and
15 development related to manufacturing, processing, compounding, mining, or producing any
16 product. The exemptions granted in this subsection shall not apply to local sales taxes as defined
17 in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state
18 and local sales tax exemption provided in section 144.030.

19 3. In addition to all other exemptions granted under this chapter, there is hereby
20 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
21 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085,
22 RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010
23 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as
24 defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed
25 directly in television or radio broadcasting and all sales and purchases of tangible personal
26 property, utilities, services, or any other transaction that would otherwise be subject to the state
27 or local sales or use tax when such sales are made to or purchases are made by a contractor for
28 use in fulfillment of any obligation under a defense contract with the United States government,
29 and all sales and leases of tangible personal property by any county, city, incorporated town, or
30 village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction
31 is certified for sales tax exemption by the department of economic development, and tangible
32 personal property used for railroad infrastructure brought into this state for processing,
33 fabrication, or other modification for use outside the state in the regular course of business, **and**
34 **all tangible personal property, including tools, telecommunications equipment, power**
35 **production and transmission machinery and equipment and data processing machinery**
36 **and equipment, and any other tools, equipment, or machinery that can be used by any**
37 **company which is located within an enhanced enterprise zone designated as such a zone**
38 **in accordance with subsection 4 of section 135.953.**

39 4. In addition to all other exemptions granted under this chapter, there is hereby
40 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
41 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085,
42 RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010
43 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as
44 defined in section 32.085, RSMo, all sales and purchases of tangible personal property, utilities,
45 services, or any other transaction that would otherwise be subject to the state or local sales or use
46 tax when such sales are made to or purchases are made by a private partner for use in completing
47 a project under sections 227.600 to 227.669, RSMo.

144.055. In addition to the exemptions granted under this chapter, there shall also
2 **be specifically exempted from all state and local sales and use taxes commercial vehicles**
3 **licensed with a gross weight of ten thousand one hundred pounds or more that are powered**
4 **only by battery-generated electrical energy if produced before January 1, 2014.**

190.015. 1. Whenever the creation of an ambulance district is desired, a number of
2 voters residing in the proposed district equal to ten percent of the vote cast for governor in the

3 proposed district in the next preceding gubernatorial election may file with the county clerk in
4 which the territory or the greater part thereof is situated a petition requesting the creation thereof.
5 In case the proposed district is situated in two or more counties, the petition shall be filed in the
6 office of the county clerk of the county in which the greater part of the area is situated, and the
7 commissioners of the county commission of the county shall set the petition for public hearing.

8 The petition shall set forth:

- 9 (1) A description of the territory to be embraced in the proposed district;
- 10 (2) The names of the municipalities located within the area;
- 11 (3) The name of the proposed district;
- 12 (4) The population of the district which shall not be less than two thousand inhabitants;
- 13 (5) The assessed valuation of the area, which shall not be less than ten million dollars;

14 and

15 (6) A request that the question be submitted to the voters residing within the limits of
16 the proposed ambulance district whether they will establish an ambulance district pursuant to the
17 provisions of sections 190.001 to 190.090 to be known as "..... Ambulance District" for the
18 purpose of establishing and maintaining an ambulance service.

19 2. In any county with a charter form of government and with more than one million
20 inhabitants, fire protection districts created under chapter 321, RSMo, may choose to create an
21 ambulance district with boundaries congruent with each participating fire protection district's
22 existing boundaries provided no ambulance district already exists in whole or part of any district
23 being proposed and the dominant provider of ambulance services within the proposed district
24 as of September 1, 2005, ceases to offer or provide ambulance services, and the board of each
25 participating district, by a majority vote, approves the formation of such a district and
26 participating fire protection districts are contiguous. Upon approval by the fire protection district
27 boards, subsection 1 of this section shall be followed for formation of the ambulance district.
28 Services provided by a district under this subsection shall only include emergency ambulance
29 services as defined in section 321.225, RSMo.

30 **3. Any ambulance district established under this chapter on or after August 28,**
31 **2010, may levy and impose a sales tax in lieu of a property tax to fund the ambulance**
32 **district. The petition to create the ambulance district shall state whether the district will**
33 **be funded by a property or a sales tax.**

190.035. Each notice shall state briefly the purpose of the election, setting forth the
2 proposition to be voted upon and a description of the territory. The notice shall further state that
3 any district upon its establishment shall have the powers, objects and purposes provided by
4 sections 190.005 to 190.085, and shall have the power to levy a property tax not to exceed thirty

5 cents on the one hundred dollars valuation, **or to levy a sales tax in lieu of a property tax, and**
 6 **shall state the rate of the sales tax.**

190.040. The question shall be submitted in substantially the following form:

2 Shall there be organized in the counties of, state of Missouri, an ambulance district
 3 for the establishment and operation of an ambulance service to be located within the boundaries
 4 of said proposed district and having the power to impose a property tax not to exceed the annual
 5 rate of thirty cents on the hundred dollars assessed valuation without voter approval, **or a sales**
 6 **tax not to exceed percent without voter approval**, and such additional tax as may be
 7 approved hereafter by vote thereon, to be known as "..... Ambulance District" as prayed for by
 8 petition filed with the county clerk of County, Missouri, on the day of, 20....?

195.010. The following words and phrases as used in sections 195.005 to 195.425,
 2 unless the context otherwise requires, mean:

3 (1) "Addict", a person who habitually uses one or more controlled substances to such an
 4 extent as to create a tolerance for such drugs, and who does not have a medical need for such
 5 drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control
 6 with reference to his addiction;

7 (2) "Administer", to apply a controlled substance, whether by injection, inhalation,
 8 ingestion, or any other means, directly to the body of a patient or research subject by:

9 (a) A practitioner (or, in his presence, by his authorized agent); or

10 (b) The patient or research subject at the direction and in the presence of the practitioner;

11 (3) "Agent", an authorized person who acts on behalf of or at the direction of a
 12 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,
 13 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
 14 lawful course of the carrier's or warehouseman's business;

15 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
 16 authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

17 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
 18 through V listed in sections 195.005 to 195.425;

19 (6) "Controlled substance analogue", a substance the chemical structure of which is
 20 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

21 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
 22 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
 23 nervous system of a controlled substance included in Schedule I or II; or

24 (b) With respect to a particular individual, which that individual represents or intends
 25 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system

26 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
27 system of a controlled substance included in Schedule I or II. The term does not include a
28 controlled substance; any substance for which there is an approved new drug application; any
29 substance for which an exemption is in effect for investigational use, for a particular person,
30 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent
31 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent
32 not intended for human consumption before such an exemption takes effect with respect to the
33 substance;

34 (7) "Counterfeit substance", a controlled substance which, or the container or labeling
35 of which, without authorization, bears the trademark, trade name, or other identifying mark,
36 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
37 other than the person who in fact manufactured, distributed, or dispensed the substance;

38 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
39 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled
40 substance, whether or not there is an agency relationship, and includes a sale;

41 (9) "Dentist", a person authorized by law to practice dentistry in this state;

42 (10) "Depressant or stimulant substance":

43 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid
44 or any derivative of barbituric acid which has been designated by the United States Secretary of
45 Health and Human Services as habit forming under 21 U.S.C. 352(d);

46 (b) A drug containing any quantity of:

47 a. Amphetamine or any of its isomers;

48 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

49 c. Any substance the United States Attorney General, after investigation, has found to
50 be, and by regulation designated as, habit forming because of its stimulant effect on the central
51 nervous system;

52 (c) Lysergic acid diethylamide; or

53 (d) Any drug containing any quantity of a substance that the United States Attorney
54 General, after investigation, has found to have, and by regulation designated as having, a
55 potential for abuse because of its depressant or stimulant effect on the central nervous system or
56 its hallucinogenic effect;

57 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
58 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,
59 administering, packaging, labeling, or compounding necessary to prepare the substance for such
60 delivery. "Dispenser" means a practitioner who dispenses;

61 (12) "Distribute", to deliver other than by administering or dispensing a controlled
62 substance;

63 (13) "Distributor", a person who distributes;

64 (14) "Drug":

65 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official
66 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
67 supplement to any of them;

68 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or
69 prevention of disease in humans or animals;

70 (c) Substances, other than food, intended to affect the structure or any function of the
71 body of humans or animals; and

72 (d) Substances intended for use as a component of any article specified in this
73 subdivision. It does not include devices or their components, parts or accessories;

74 (15) "Drug-dependent person", a person who is using a controlled substance and who
75 is in a state of psychic or physical dependence, or both, arising from the use of such substance
76 on a continuous basis. Drug dependence is characterized by behavioral and other responses
77 which include a strong compulsion to take the substance on a continuous basis in order to
78 experience its psychic effects or to avoid the discomfort caused by its absence;

79 (16) "Drug enforcement agency", the Drug Enforcement Administration in the United
80 States Department of Justice, or its successor agency;

81 (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind
82 which are used, intended for use, or designed for use, in planting, propagating, cultivating,
83 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
84 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the
85 human body a controlled substance or an imitation controlled substance in violation of sections
86 195.005 to 195.425. It includes, but is not limited to:

87 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,
88 growing or harvesting of any species of plant which is a controlled substance or from which a
89 controlled substance can be derived;

90 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
91 converting, producing, processing, or preparing controlled substances or imitation controlled
92 substances;

93 (c) Isomerization devices used, intended for use, or designed for use in increasing the
94 potency of any species of plant which is a controlled substance or an imitation controlled
95 substance;

- 96 (d) Testing equipment used, intended for use, or designed for use in identifying, or in
97 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled
98 substances;
- 99 (e) Scales and balances used, intended for use, or designed for use in weighing or
100 measuring controlled substances or imitation controlled substances;
- 101 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose
102 and lactose, used, intended for use, or designed for use in cutting controlled substances or
103 imitation controlled substances;
- 104 (g) Separation gins and sifters used, intended for use, or designed for use in removing
105 twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- 106 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or
107 designed for use in compounding controlled substances or imitation controlled substances;
- 108 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed
109 for use in packaging small quantities of controlled substances or imitation controlled substances;
- 110 (j) Containers and other objects used, intended for use, or designed for use in storing or
111 concealing controlled substances or imitation controlled substances;
- 112 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed
113 for use in parenterally injecting controlled substances or imitation controlled substances into the
114 human body;
- 115 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
116 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
- 117 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
118 permanent screens, hashish heads, or punctured metal bowls;
- 119 b. Water pipes;
- 120 c. Carburetion tubes and devices;
- 121 d. Smoking and carburetion masks;
- 122 e. Roach clips meaning objects used to hold burning material, such as a marijuana
123 cigarette, that has become too small or too short to be held in the hand;
- 124 f. Miniature cocaine spoons and cocaine vials;
- 125 g. Chamber pipes;
- 126 h. Carburetor pipes;
- 127 i. Electric pipes;
- 128 j. Air-driven pipes;
- 129 k. Chillums;
- 130 l. Bongs;

- 131 m. Ice pipes or chillers;
- 132 (m) Substances used, intended for use, or designed for use in the manufacture of a
133 controlled substance; In determining whether an object, product, substance or material is drug
134 paraphernalia, a court or other authority should consider, in addition to all other logically
135 relevant factors, the following:
- 136 (a) Statements by an owner or by anyone in control of the object concerning its use;
- 137 (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any
138 state or federal law relating to any controlled substance or imitation controlled substance;
- 139 (c) The proximity of the object, in time and space, to a direct violation of sections
140 195.005 to 195.425;
- 141 (d) The proximity of the object to controlled substances or imitation controlled
142 substances;
- 143 (e) The existence of any residue of controlled substances or imitation controlled
144 substances on the object;
- 145 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control
146 of the object, to deliver it to persons who he knows, or should reasonably know, intend to use
147 the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or
148 of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not
149 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- 150 (g) Instructions, oral or written, provided with the object concerning its use;
- 151 (h) Descriptive materials accompanying the object which explain or depict its use;
- 152 (i) National or local advertising concerning its use;
- 153 (j) The manner in which the object is displayed for sale;
- 154 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like
155 or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 156 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales
157 of the business enterprise;
- 158 (m) The existence and scope of legitimate uses for the object in the community;
- 159 (n) Expert testimony concerning its use;
- 160 (o) The quantity, form or packaging of the product, substance or material in relation to
161 the quantity, form or packaging associated with any legitimate use for the product, substance or
162 material;
- 163 (18) "Federal narcotic laws", the laws of the United States relating to controlled
164 substances;

165 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities
166 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
167 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
168 physical conditions; or a place devoted primarily to provide, for not less than twenty-four
169 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
170 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined
171 in chapter 198, RSMo;

172 (20) "Immediate precursor", a substance which:

173 (a) The state department of health and senior services has found to be and by rule
174 designates as being the principal compound commonly used or produced primarily for use in the
175 manufacture of a controlled substance;

176 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
177 of a controlled substance; and

178 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
179 controlled substance;

180 (21) "Imitation controlled substance", a substance that is not a controlled substance,
181 which by dosage unit appearance (including color, shape, size and markings), or by
182 representations made, would lead a reasonable person to believe that the substance is a controlled
183 substance. In determining whether the substance is an "imitation controlled substance" the court
184 or authority concerned should consider, in addition to all other logically relevant factors, the
185 following:

186 (a) Whether the substance was approved by the federal Food and Drug Administration
187 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
188 Drug Administration approved package, with the federal Food and Drug Administration
189 approved labeling information;

190 (b) Statements made by an owner or by anyone else in control of the substance
191 concerning the nature of the substance, or its use or effect;

192 (c) Whether the substance is packaged in a manner normally used for illicit controlled
193 substances;

194 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state
195 or federal law related to controlled substances or fraud;

196 (e) The proximity of the substances to controlled substances;

197 (f) Whether the consideration tendered in exchange for the noncontrolled substance
198 substantially exceeds the reasonable value of the substance considering the actual chemical
199 composition of the substance and, where applicable, the price at which over-the-counter

200 substances of like chemical composition sell. An imitation controlled substance does not include
201 a placebo or registered investigational drug either of which was manufactured, distributed,
202 possessed or delivered in the ordinary course of professional practice or research;

203 (22) "Laboratory", a laboratory approved by the department of health and senior services
204 as proper to be entrusted with the custody of controlled substances but does not include a
205 pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

206 (23) "Manufacture", the production, preparation, propagation, compounding or
207 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
208 substance, either directly or by extraction from substances of natural origin, or independently by
209 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
210 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
211 This term does not include the preparation or compounding of a controlled substance or an
212 imitation controlled substance or the preparation, compounding, packaging or labeling of a
213 narcotic or dangerous drug:

214 (a) By a practitioner as an incident to his administering or dispensing of a controlled
215 substance or an imitation controlled substance in the course of his professional practice, or

216 (b) By a practitioner or his authorized agent under his supervision, for the purpose of,
217 or as an incident to, research, teaching or chemical analysis and not for sale;

218 (24) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof,
219 including, but not limited to *Cannabis Sativa L.*, *Cannabis Indica*, *Cannabis Americana*,
220 *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin
221 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
222 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,
223 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,
224 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin
225 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
226 germination. **Marijuana includes all forms of cannabis, including synthetic compounds, or
227 synthetic structures that are molecularly similar, and cannabimimetic indoles and all such
228 cannabinoid-like substances that are not approved drugs by the United States Food and
229 Drug Administration;**

230 (25) "Methamphetamine precursor drug", any drug containing ephedrine,
231 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
232 isomers;

233 (26) "Narcotic drug", any of the following, whether produced directly or indirectly by
234 extraction from substances of vegetable origin, or independently by means of chemical synthesis,
235 or by a combination of extraction and chemical analysis:

236 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
237 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,
238 esters, ethers, and salts is possible within the specific chemical designation. The term does not
239 include the isoquinoline alkaloids of opium;

240 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,
241 and derivatives of ecgonine or their salts have been removed;

242 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

243 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

244 (e) Any compound, mixture, or preparation containing any quantity of any substance
245 referred to in paragraphs (a) to (d) of this subdivision;

246 (27) "Official written order", an order written on a form provided for that purpose by the
247 United States Commissioner of Narcotics, under any laws of the United States making provision
248 therefor, if such order forms are authorized and required by federal law, and if no such order
249 form is provided, then on an official form provided for that purpose by the department of health
250 and senior services;

251 (28) "Opiate", any substance having an addiction-forming or addiction-sustaining
252 liability similar to morphine or being capable of conversion into a drug having addiction-forming
253 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
254 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
255 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

256 (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

257 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144, RSMo, of
258 a drug other than a controlled substance;

259 (31) "Person", an individual, corporation, government or governmental subdivision or
260 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or
261 commercial entity;

262 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where
263 the context so requires, the owner of a store or other place of business where controlled
264 substances are compounded or dispensed by a licensed pharmacist; but nothing in sections
265 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor
266 licensed as a pharmacist any authority, right or privilege that is not granted to him by the
267 pharmacy laws of this state;

268 (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

269 (34) "Possessed" or "possessing a controlled substance", a person, with the knowledge
270 of the presence and nature of a substance, has actual or constructive possession of the substance.
271 A person has actual possession if he has the substance on his person or within easy reach and
272 convenient control. A person who, although not in actual possession, has the power and the
273 intention at a given time to exercise dominion or control over the substance either directly or
274 through another person or persons is in constructive possession of it. Possession may also be
275 sole or joint. If one person alone has possession of a substance possession is sole. If two or
276 more persons share possession of a substance, possession is joint;

277 (35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
278 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by
279 this state to distribute, dispense, conduct research with respect to or administer or to use in
280 teaching or chemical analysis, a controlled substance in the course of professional practice or
281 research in this state, or a pharmacy, hospital or other institution licensed, registered, or
282 otherwise permitted to distribute, dispense, conduct research with respect to or administer a
283 controlled substance in the course of professional practice or research;

284 (36) "Production", includes the manufacture, planting, cultivation, growing, or
285 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
286 substance;

287 (37) "Registry number", the number assigned to each person registered under the federal
288 controlled substances laws;

289 (38) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction
290 made by any person, whether as principal, proprietor, agent, servant or employee;

291 (39) "State" when applied to a part of the United States, includes any state, district,
292 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
293 of the United States of America;

294 (40) "Ultimate user", a person who lawfully possesses a controlled substance or an
295 imitation controlled substance for his own use or for the use of a member of his household or for
296 administering to an animal owned by him or by a member of his household;

297 (41) "Wholesaler", a person who supplies drug paraphernalia or controlled substances
298 or imitation controlled substances that he himself has not produced or prepared, on official
299 written orders, but not on prescriptions.

195.017. 1. The department of health and senior services shall place a substance in
2 Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or lacks accepted
5 safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in Schedule I;

8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:

- 11 (a) Acetyl-alpha-methylfentanyl;
- 12 (b) Acetylmethadol;
- 13 (c) Allylprodine;
- 14 (d) Alphacetylmethadol;
- 15 (e) Alphameprodine;
- 16 (f) Alphamethadol;
- 17 (g) Alpha-methylfentanyl;
- 18 (h) Alpha-methylthiofentanyl;
- 19 (i) Benzethidine;
- 20 (j) Betacetylmethadol;
- 21 (k) Beta-hydroxyfentanyl;
- 22 (l) Beta-hydroxy-3-methylfentanyl;
- 23 (m) Betameprodine;
- 24 (n) Betamethadol;
- 25 (o) Betaprodine;
- 26 (p) Clonitazene;
- 27 (q) Dextromoramide;
- 28 (r) Diampromide;
- 29 (s) Diethylthiambutene;
- 30 (t) Difenoxin;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheptanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etoxeridine;

- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacymorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;
- 66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
- 67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
- 68 is possible within the specific chemical designation:
- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;

- 74 (f) Cyprenorphine;
75 (g) Desomorphine;
76 (h) Dihydromorphine;
77 (i) Drotebanol;
78 (j) Etorphine (except hydrochloride salt);
79 (k) Heroin;
80 (l) Hydromorphanol;
81 (m) Methyldesorphine;
82 (n) Methyldihydromorphine;
83 (o) Morphine methylbromide;
84 (p) Morphine methylsulfonate;
85 (q) Morphine-N-Oxide;
86 (r) Myrophine;
87 (s) Nicocodeine;
88 (t) Nicomorphine;
89 (u) Normorphine;
90 (v) Pholcodine;
91 (w) Thebacon;
92 (4) Any material, compound, mixture or preparation which contains any quantity of the
93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
95 the specific chemical designation:
96 (a) 4-bromo-2, 5-dimethoxyamphetamine;
97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
98 (c) 2,5-dimethoxyamphetamine;
99 (d) 2,5-dimethoxy-4-ethylamphetamine;
100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
101 (f) 4-methoxyamphetamine;
102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
103 (h) 4-methyl-2, 5-dimethoxyamphetamine;
104 (i) 3,4-methylenedioxyamphetamine;
105 (j) 3,4-methylenedioxymethamphetamine;
106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
107 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
108 (m) 3,4,5-trimethoxyamphetamine;

- 109 (n) **5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts**
110 **of isomers;**
- 111 (o) Alpha-ethyltryptamine;
- 112 [(o)] (p) Alpha-methyltryptamine;
- 113 [(p)] (q) Bufotenine;
- 114 (r) **Dexanabinol, (6a*S*,10a*S*)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-**
115 **yl)-6a,7,10,10a-tetrahydrobenzo[*c*]chromen-1-ol, and all other similar synthetic**
116 **cannabinoids that are similar in structure and are not approved for human consumption**
117 **by the United States Food and Drug Administration;**
- 118 [(q)] (s) Diethyltryptamine;
- 119 [(r)] (t) Dimethyltryptamine;
- 120 [(s)] (u) 5-methoxy-N,N-diisopropyltryptamine;
- 121 [(t)] (v) Ibogaine;
- 122 (w) **Indole, or 1-butyl-3(1-naphthoyl)indole, and all other similar synthetic**
123 **cannabinoids that are similar in structure and are not approved for human consumption**
124 **by the United States Food and Drug Administration;**
- 125 (x) **Indole, or 1-pentyl-3(1-naphthoyl)indole, and all other similar synthetic**
126 **cannabinoids that are similar in structure and are not approved for human consumption**
127 **by the United States Food and Drug Administration;**
- 128 [(u)] (y) Lysergic acid diethylamide;
- 129 [(v)] (z) Marijuana or marihuana;
- 130 [(w)] (aa) Mescaline;
- 131 [(x)] (bb) Parahexyl;
- 132 [(y)] (cc) Peyote, to include all parts of the plant presently classified botanically as
133 Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any extract from any
134 part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of
135 the plant, its seed or extracts;
- 136 (dd) **Phenol, CP 47, 497 & homologues, or 2-[(1*R*,3*S*)-3-hydroxycyclohexyl]-5-(2-**
137 **methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n=4,6,**
138 **or 7, and all other similar synthetic cannabinoids that are similar in structure and are not**
139 **approved for human consumption by the United States Food and Drug Administration;**
- 140 [(z)] (ee) N-ethyl-3-piperidyl benzilate;
- 141 [(aa)] (ff) N-methyl-3-piperidyl benzilate;
- 142 [(bb)] (gg) Psilocybin;
- 143 [(cc)] (hh) Psilocyn;

144 [(dd)] (ii) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis
145 (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis
146 plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their
147 isomers with similar chemical structure and pharmacological activity to those substances
148 contained in the plant, such as the following:

- 149 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
150 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
151 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
152 d. Any compounds of these structures, regardless of numerical designation of atomic
153 positions covered;

154 [(ee)] (jj) Ethylamine analog of phencyclidine;

155 [(ff)] (kk) Pyrrolidine analog of phencyclidine;

156 [(gg)] (ll) Thiophene analog of phencyclidine;

157 [(hh)] (mm) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

158 [(ii)] (nn) Salvia divinorum;

159 [(jj)] (oo) Salvinorin A;

160 (5) Any material, compound, mixture or preparation containing any quantity of the
161 following substances having a depressant effect on the central nervous system, including their
162 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
163 isomers is possible within the specific chemical designation:

164 (a) Gamma-hydroxybutyric acid;

165 (b) Mecloqualone;

166 (c) Methaqualone;

167 (6) Any material, compound, mixture or preparation containing any quantity of the
168 following substances having a stimulant effect on the central nervous system, including their
169 salts, isomers and salts of isomers:

170 (a) Aminorex;

171 (b) N-benzylpiperazine;

172 (c) Cathinone;

173 (d) Fenethylamine;

174 (e) Methcathinone;

175 (f) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

176 (g) N-ethylamphetamine;

177 (h) N,N-dimethylamphetamine;

178 (7) A temporary listing of substances subject to emergency scheduling under federal law
179 shall include any material, compound, mixture or preparation which contains any quantity of the
180 following substances:

181 (a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its optical isomers,
182 salts and salts of isomers;

183 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
184 optical isomers, salts and salts of isomers;

185 (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*,
186 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
187 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

188 3. The department of health and senior services shall place a substance in Schedule II
189 if it finds that:

190 (1) The substance has high potential for abuse;

191 (2) The substance has currently accepted medical use in treatment in the United States,
192 or currently accepted medical use with severe restrictions; and

193 (3) The abuse of the substance may lead to severe psychic or physical dependence.

194 4. The controlled substances listed in this subsection are included in Schedule II:

195 (1) Any of the following substances whether produced directly or indirectly by extraction
196 from substances of vegetable origin, or independently by means of chemical synthesis, or by
197 combination of extraction and chemical synthesis:

198 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
199 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
200 nalmefene, naloxone and naltrexone, and their respective salts but including the following:

201 a. Raw opium;

202 b. Opium extracts;

203 c. Opium fluid;

204 d. Powdered opium;

205 e. Granulated opium;

206 f. Tincture of opium;

207 g. Codeine;

208 h. Ethylmorphine;

209 i. Etorphine hydrochloride;

210 j. Hydrocodone;

211 k. Hydromorphone;

212 l. Metopon;

- 213 m. Morphine;
- 214 n. Oxycodone;
- 215 o. Oxymorphone;
- 216 p. Thebaine;
- 217 (b) Any salt, compound, derivative, or preparation thereof which is chemically
- 218 equivalent or identical with any of the substances referred to in this subdivision, but not
- 219 including the isoquinoline alkaloids of opium;
- 220 (c) Opium poppy and poppy straw;
- 221 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
- 222 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
- 223 with any of these substances, but not including decocainized coca leaves or extractions which
- 224 do not contain cocaine or ecgonine;
- 225 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
- 226 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 227 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
- 228 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
- 229 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 230 (a) Alfentanil;
- 231 (b) Alphaprodine;
- 232 (c) Anileridine;
- 233 (d) Bezitramide;
- 234 (e) Bulk dextropropoxyphene;
- 235 (f) Carfentanil;
- 236 (g) [Butyl nitrite;
- 237 (h)] Dihydrocodeine;
- 238 [(i)] **(h)** Diphenoxylate;
- 239 [(j)] **(i)** Fentanyl;
- 240 [(k)] **(j)** Isomethadone;
- 241 [(l)] **(k)** Levo-alphaacetylmethadol;
- 242 [(m)] **(l)** Levomethorphan;
- 243 [(n)] **(m)** Levorphanol;
- 244 [(o)] **(n)** Metazocine;
- 245 [(p)] **(o)** Methadone;
- 246 [(q)] **(p)** Meperidine;
- 247 [(r)] **(q)** Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

- 248 [(s)] (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--
249 carboxylic acid;
- 250 [(t)] (s) Pethidine (meperidine);
- 251 [(u)] (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 252 [(v)] (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 253 [(w)] (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 254 [(x)] (w) Phenazocine;
- 255 [(y)] (x) Piminodine;
- 256 [(z)] (y) Racemethorphan;
- 257 [(aa)] (z) Racemorphan;
- 258 [(bb)] (aa) Remifentanil;
- 259 [(cc)] (bb) Sufentanil;
- 260 (cc) **Tapentadol**;
- 261 (3) Any material, compound, mixture, or preparation which contains any quantity of the
262 following substances having a stimulant effect on the central nervous system:
- 263 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 264 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 265 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 266 (d) Phenmetrazine and its salts;
- 267 (e) Methylphenidate;
- 268 (4) Any material, compound, mixture, or preparation which contains any quantity of the
269 following substances having a depressant effect on the central nervous system, including its salts,
270 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
271 is possible within the specific chemical designation:
- 272 (a) Amobarbital;
- 273 (b) Glutethimide;
- 274 (c) Pentobarbital;
- 275 (d) Phencyclidine;
- 276 (e) Secobarbital;
- 277 (5) Any material or compound which contains any quantity of nabilone;
- 278 (6) Any material, compound, mixture, or preparation which contains any quantity of the
279 following substances:
- 280 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 281 (b) Immediate precursors to phencyclidine (PCP):
- 282 a. 1-phenylcyclohexylamine;

- 283 b. 1-piperidinocyclohexanecarbonitrile (PCC)[.] ;
284 **(7) Any material, compound, mixture, or preparation which contains any quantity**
285 **of the following alkyl nitrites:**
286 **(a) Amyl nitrite;**
287 **(b) Butyl nitrite.**
- 288 5. The department of health and senior services shall place a substance in Schedule III
289 if it finds that:
- 290 (1) The substance has a potential for abuse less than the substances listed in Schedules
291 I and II;
- 292 (2) The substance has currently accepted medical use in treatment in the United States;
293 and
- 294 (3) Abuse of the substance may lead to moderate or low physical dependence or high
295 psychological dependence.
- 296 6. The controlled substances listed in this subsection are included in Schedule III:
- 297 (1) Any material, compound, mixture, or preparation which contains any quantity of the
298 following substances having a potential for abuse associated with a stimulant effect on the
299 central nervous system:
- 300 (a) Benzphetamine;
301 (b) Chlorphentermine;
302 (c) Clortermine;
303 (d) Phendimetrazine;
- 304 (2) Any material, compound, mixture or preparation which contains any quantity or salt
305 of the following substances or salts having a depressant effect on the central nervous system:
- 306 (a) Any material, compound, mixture or preparation which contains any quantity or salt
307 of the following substances combined with one or more active medicinal ingredients:
- 308 a. Amobarbital;
309 b. Secobarbital;
310 c. Pentobarbital;
- 311 (b) Any suppository dosage form containing any quantity or salt of the following:
- 312 a. Amobarbital;
313 b. Secobarbital;
314 c. Pentobarbital;
- 315 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
316 salt;
- 317 (d) Chlorhexadol;

- 318 (e) Embutramide;
- 319 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
320 a drug product for which an application has been approved under Section 505 of the federal
321 Food, Drug, and Cosmetic Act;
- 322 (g) Ketamine, its salts, isomers, and salts of isomers;
- 323 (h) Lysergic acid;
- 324 (i) Lysergic acid amide;
- 325 (j) Methyprylon;
- 326 (k) Sulfondiethylmethane;
- 327 (l) Sulfonethylmethane;
- 328 (m) Sulfonmethane;
- 329 (n) Tiletamine and zolazepam or any salt thereof;
- 330 (3) Nalorphine;
- 331 (4) Any material, compound, mixture, or preparation containing limited quantities of any
332 of the following narcotic drugs or their salts:
- 333 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
334 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
335 of opium;
- 336 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
337 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
338 therapeutic amounts;
- 339 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
340 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
341 isoquinoline alkaloid of opium;
- 342 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
343 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
344 ingredients in recognized therapeutic amounts;
- 345 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more
346 than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in
347 recognized therapeutic amounts;
- 348 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
349 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
350 ingredients in recognized therapeutic amounts;

351 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
352 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
353 active nonnarcotic ingredients in recognized therapeutic amounts;

354 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
355 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
356 amounts;

357 (5) Any material, compound, mixture, or preparation containing any of the following
358 narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

359 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
360 pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and
361 dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is
362 expressly intended for administration through implants to cattle or other nonhuman species and
363 which has been approved by the Secretary of Health and Human Services for that administration.
364 If any person prescribes, dispenses, or distributes such steroid for human use, such person shall
365 be considered to have prescribed, dispensed, or distributed an anabolic steroid within the
366 meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any
367 material, compound, mixture or preparation containing any quantity of the following substances,
368 including its salts, esters and ethers:

369 (a) $3\beta,17$ -dihydroxy-5 α -androstane;

370 (b) $3\alpha,17\beta$ -dihydroxy-5 α -androstane;

371 (c) 5 α -androstan-3,17-dione;

372 (d) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-5 α -androst-1-ene);

373 (e) 1-androstenediol ($3\alpha,17\beta$ -dihydroxy-5 α -androst-1-ene);

374 (f) 4-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-4-ene);

375 (g) 5-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-5-ene);

376 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);

377 (i) 4-androstenedione (androst-4-en-3,17-dione);

378 (j) 5-androstenedione (androst-5-en-3,17-dione);

379 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);

380 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);

381 **(m) Boldione;**

382 [(m)] **(n)** Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);

383 [(n)] **(o)** Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);

384 [(o)] **(p)** Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-
385 1,4-dien-3-one);

- 386 **(q) Desoxymethyltestosterone;**
 387 [(p)] **(r)** Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-
 388 3-one);
 389 [(q)] **(s)** 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
 390 [(r)] **(t)** Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
 391 [(s)] **(u)** Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
 392 [(t)] **(v)** Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
 393 [(u)] **(w)** Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-
 394 one);
 395 [(v)] **(x)** Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furan);
 396 [(w)] **(y)** 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
 397 [(x)] **(z)** 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
 398 [(y)] **(aa)** 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
 399 [(z)] **(bb)** Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
 400 [(aa)] **(cc)** Mesterolone (1 α methyl-17 β -hydroxy-[5 α]-androstan-3-one);
 401 [(bb)] **(dd)** Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
 402 [(cc)] **(ee)** Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
 403 [(dd)] **(ff)** Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
 404 [(ee)] **(gg)** 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
 405 [(ff)] **(hh)** 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
 406 [(gg)] **(ii)** 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
 407 [(hh)] **(jj)** 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-
 408 en-3-one);
 409 [(ii)] **(kk)** Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
 410 [(jj)] **(ll)** Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
 411 [(kk)] **(mm)** Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
 412 [(ll)] **(nn)** Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
 413 [(mm)] **(oo)** 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-
 414 1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
 415 [(nn)] **(pp)** Nandrolone (17 β -hydroxyestr-4-ene-3-one);
 416 [(oo)] **(qq)** 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
 417 [(pp)] **(rr)** 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
 418 **(ss) 19-nor-4,9(10)-androstadienedione;**
 419 [(qq)] **(tt)** 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
 420 [(rr)] **(uu)** 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);

- 421 [(ss)] (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
422 [(tt)] (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
423 [(uu)] (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
424 [(vv)] (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
425 [(ww)] (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
426 [(xx)] (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
427 [(yy)] (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androst-3-one);
428 [(zz)] (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
429 [(aaa)] (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
430 androst-3-one);
431 [(bbb)] (eee) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
432 [(ccc)] (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
433 [(ddd)] (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
434 lactone);
435 [(eee)] (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
436 [(fff)] (iii) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
437 [(ggg)] (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
438 [(hhh)] (kkk) Any salt, ester, or ether of a drug or substance described or listed in this
439 subdivision, except an anabolic steroid which is expressly intended for administration through
440 implants to cattle or other nonhuman species and which has been approved by the Secretary of
441 Health and Human Services for that administration;
442 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
443 United States Food and Drug Administration approved drug product;
444 (8) The department of health and senior services may except by rule any compound,
445 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
446 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
447 195.320 if the compound, mixture, or preparation contains one or more active medicinal
448 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
449 admixtures are included therein in combinations, quantity, proportion, or concentration that
450 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
451 the central nervous system.
452 7. The department of health and senior services shall place a substance in Schedule IV
453 if it finds that:
454 (1) The substance has a low potential for abuse relative to substances in Schedule III;

455 (2) The substance has currently accepted medical use in treatment in the United States;
456 and

457 (3) Abuse of the substance may lead to limited physical dependence or psychological
458 dependence relative to the substances in Schedule III.

459 8. The controlled substances listed in this subsection are included in Schedule IV:

460 (1) Any material, compound, mixture, or preparation containing any of the following
461 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
462 as set forth below:

463 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms
464 of atropine sulfate per dosage unit;

465 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-
466 propionoxybutane);

467 (c) Any of the following limited quantities of narcotic drugs or their salts, which shall
468 include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer
469 upon the compound, mixture or preparation valuable medicinal qualities other than those
470 possessed by the narcotic drug alone:

471 a. Not more than two hundred milligrams of codeine per one hundred milliliters or per
472 one hundred grams;

473 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
474 or per one hundred grams;

475 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
476 or per one hundred grams;

477 (2) Any material, compound, mixture or preparation containing any quantity of the
478 following substances, including their salts, isomers, and salts of isomers whenever the existence
479 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

480 (a) Alprazolam;

481 (b) Barbital;

482 (c) Bromazepam;

483 (d) Camazepam;

484 (e) Chloral betaine;

485 (f) Chloral hydrate;

486 (g) Chlordiazepoxide;

487 (h) Clobazam;

488 (i) Clonazepam;

489 (j) Clorazepate;

490	(k) Clotiazepam;
491	(l) Cloxazolam;
492	(m) Delorazepam;
493	(n) Diazepam;
494	(o) Dichloralphenazone;
495	(p) Estazolam;
496	(q) Ethchlorvynol;
497	(r) Ethinamate;
498	(s) Ethyl loflazepate;
499	(t) Fludiazepam;
500	(u) Flunitrazepam;
501	(v) Flurazepam;
502	(w) Fospropofol;
503	[(w)] (x) Halazepam;
504	[(x)] (y) Haloxazolam;
505	[(y)] (z) Ketazolam;
506	[(z)] (aa) Loprazolam;
507	[(aa)] (bb) Lorazepam;
508	[(bb)] (cc) Lormetazepam;
509	[(cc)] (dd) Mebutamate;
510	[(dd)] (ee) Medazepam;
511	[(ee)] (ff) Meprobamate;
512	[(ff)] (gg) Methohexital;
513	[(gg)] (hh) Methylphenobarbital (mephobarbital);
514	[(hh)] (ii) Midazolam;
515	[(ii)] (jj) Nimetazepam;
516	[(jj)] (kk) Nitrazepam;
517	[(kk)] (ll) Nordiazepam;
518	[(ll)] (mm) Oxazepam;
519	[(mm)] (nn) Oxazolam;
520	[(nn)] (oo) Paraldehyde;
521	[(oo)] (pp) Petrichloral;
522	[(pp)] (qq) Phenobarbital;
523	[(qq)] (rr) Pinazepam;
524	[(rr)] (ss) Prazepam;

- 525 [(ss)] (tt) Quazepam;
526 [(tt)] (uu) Temazepam;
527 [(uu)] (vv) Tetrazepam;
528 [(vv)] (ww) Triazolam;
529 [(ww)] (xx) Zaleplon;
530 [(xx)] (yy) Zolpidem;
531 [(yy)] (zz) Zopiclone;
- 532 (3) Any material, compound, mixture, or preparation which contains any quantity of the
533 following substance including its salts, isomers and salts of isomers whenever the existence of
534 such salts, isomers and salts of isomers is possible: fenfluramine;
- 535 (4) Any material, compound, mixture or preparation containing any quantity of the
536 following substances having a stimulant effect on the central nervous system, including their
537 salts, isomers and salts of isomers:
- 538 (a) Cathine ((+)-norpseudoephedrine);
539 (b) Diethylpropion;
540 (c) Fencamfamin;
541 (d) Fenproporex;
542 (e) Mazindol;
543 (f) Mefenorex;
544 (g) Modafinil;
545 (h) Pemoline, including organometallic complexes and chelates thereof;
546 (i) Phentermine;
547 (j) Pipradrol;
548 (k) Sibutramine;
549 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 550 (5) Any material, compound, mixture or preparation containing any quantity of the
551 following substance, including its salts:
- 552 (a) butorphanol;
553 (b) pentazocine;
- 554 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
555 is the only active medicinal ingredient;
- 556 (7) The department of health and senior services may except by rule any compound,
557 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
558 subsection from the application of all or any part of sections 195.010 to 195.320 if the
559 compound, mixture, or preparation contains one or more active medicinal ingredients not having

560 a depressant effect on the central nervous system, and if the admixtures are included therein in
561 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
562 substances which have a depressant effect on the central nervous system.

563 9. The department of health and senior services shall place a substance in Schedule V
564 if it finds that:

565 (1) The substance has low potential for abuse relative to the controlled substances listed
566 in Schedule IV;

567 (2) The substance has currently accepted medical use in treatment in the United States;
568 and

569 (3) The substance has limited physical dependence or psychological dependence liability
570 relative to the controlled substances listed in Schedule IV.

571 10. The controlled substances listed in this subsection are included in Schedule V:

572 (1) Any compound, mixture or preparation containing any of the following narcotic
573 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
574 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
575 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
576 qualities other than those possessed by the narcotic drug alone:

577 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than
578 twenty-five micrograms of atropine sulfate per dosage unit;

579 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per
580 one hundred grams;

581 (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five
582 micrograms of atropine sulfate per dosage unit;

583 (2) Any material, compound, mixture or preparation which contains any quantity of the
584 following substance having a stimulant effect on the central nervous system including its salts,
585 isomers and salts of isomers: pyrovalerone;

586 (3) Any compound, mixture, or preparation containing any detectable quantity of
587 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
588 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
589 isomers, or salts of optical isomers;

590 (4) Unless specifically exempted or excluded or unless listed in another schedule, any
591 material, compound, mixture, or preparation which contains any quantity of the following
592 substances having a depressant effect on the central nervous system, including its salts:
593 [pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]]

594 (a) **Lacosamide;**

595 **(b) Pregabalin.**

596 11. If any compound, mixture, or preparation as specified in subdivision (3) of
597 subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a
598 prescription:

599 (1) All packages of any compound, mixture, or preparation containing any detectable
600 quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine,
601 its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind
602 a pharmacy counter where the public is not permitted, and only by a registered pharmacist or
603 registered pharmacy technician; and

604 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,
605 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,
606 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers
607 shall be at least eighteen years of age; and

608 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require
609 any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture,
610 or preparation to furnish suitable photo identification that is issued by a state or the federal
611 government or a document that, with respect to identification, is considered acceptable and
612 showing the date of birth of the person;

613 (4) The seller shall deliver the product directly into the custody of the purchaser.

614 12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall
615 implement and maintain an electronic log of each transaction. Such log shall include the
616 following information:

617 (1) The name, address, and signature of the purchaser;

618 (2) The amount of the compound, mixture, or preparation purchased;

619 (3) The date and time of each purchase; and

620 (4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy
621 technician who dispensed the compound, mixture, or preparation to the purchaser.

622 13. Each pharmacy shall submit information regarding sales of any compound, mixture,
623 or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with
624 transmission methods and frequency established by the department by regulation;

625 14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities
626 greater than those specified in this chapter.

627 15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products
628 in a pharmacy shall ensure that all such products are located only behind a pharmacy counter
629 where the public is not permitted.

630 16. Any person who knowingly or recklessly violates the provisions of subsections 11
631 to 15 of this section is guilty of a class A misdemeanor.

632 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this
633 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,
634 mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound,
635 mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must
636 be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

637 18. The manufacturer of a drug product or another interested party may apply with the
638 department of health and senior services for an exemption from this section. The department of
639 health and senior services may grant an exemption by rule from this section if the department
640 finds the drug product is not used in the illegal manufacture of methamphetamine or other
641 controlled or dangerous substances. The department of health and senior services shall rely on
642 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
643 proposed product can be used to manufacture illicit controlled substances.

644 19. The department of health and senior services shall revise and republish the schedules
645 annually.

646 20. The department of health and senior services shall promulgate rules under chapter
647 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described
648 in subdivision (3) of subsection 10 of this section, for distributors as registered by the department
649 of health and senior services.

650 21. Logs of transactions required to be kept and maintained by this section and section
651 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is
652 the person whose transactions are recorded in the logs.

195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to
2 administer pharmaceutical agents as provided in section 336.220, RSMo, or a physician assistant
3 in accordance with section 334.747, RSMo, in good faith and in the course of his or her
4 professional practice only, may prescribe, administer, and dispense controlled substances or he
5 or she may cause the same to be administered or dispensed by an individual as authorized by
6 statute.

7 2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not
8 a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo,
9 who holds a certificate of controlled substance prescriptive authority from the board of nursing
10 under section 335.019, RSMo, and who is delegated the authority to prescribe controlled
11 substances under a collaborative practice arrangement under section 334.104, RSMo, may
12 prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017.

13 However, no such certified advanced practice registered nurse shall prescribe controlled
14 substance for his or her own self or family. Schedule III narcotic controlled substance
15 prescriptions shall be limited to a one hundred twenty-hour supply without refill.

16 3. A veterinarian, in good faith and in the course of the veterinarian's professional
17 practice only, and not for use by a human being, may prescribe, administer, and dispense
18 controlled substances and the veterinarian may cause them to be administered by an assistant or
19 orderly under his or her direction and supervision.

20 4. A practitioner shall not accept any portion of a controlled substance unused by a
21 patient, for any reason, if such practitioner did not originally dispense the drug.

22 5. An individual practitioner shall not prescribe or dispense a controlled substance for
23 such practitioner's personal use except in a medical emergency.

24 **6. A physician assistant or advance practice registered nurse or comparable mid-**
25 **level practitioner located in another state may prescribe controlled substances or may**
26 **cause the same to be dispensed by an individual as authorized by statute, provided:**

27 **(1) He or she has fulfilled the requirements of the state in which he or she is**
28 **licensed and practicing as well as those of the United States to prescribe controlled**
29 **substances;**

30 **(2) He or she writes the controlled substance prescription in compliance with the**
31 **applicable laws of the state in which he or she is licensed and practicing as well as those of**
32 **the United States; and**

33 **(3) The prescription is dispensed to a patient who is a resident of another state.**

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided,
2 sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering,
3 dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible
4 of external use only and that contain controlled substances in such combinations of drugs as to
5 prevent the drugs from being readily extracted from such liniments, ointments, or preparations,
6 except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other
7 preparations that contain coca leaves in any quantity or combination.

8 2. The quantity of Schedule II controlled substances prescribed or dispensed at any one
9 time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled
10 substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and
11 shall be prescribed and dispensed in compliance with the general provisions of sections 195.005
12 to 195.425. The supply limitations provided in this subsection may be increased up to three
13 months if the physician describes on the prescription form or indicates via telephone, fax, or
14 electronic communication to the pharmacy to be entered on or attached to the prescription form

15 the medical reason for requiring the larger supply. **The supply limitations provided in this**
16 **subsection shall not apply if:**

17 **(1) The prescription is:**

18 **(a) Written by a practitioner located in another state according to the applicable**
19 **laws of such state and the United States; and**

20 **(b) Dispensed to a patient who is a resident of another state; or**

21 **(2) The prescription is dispensed directly to a member of the United States armed**
22 **forces serving outside the United States.**

23 3. The partial filling of a prescription for a Schedule II substance is permissible as
24 defined by regulation by the department of health and senior services.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial
2 container unless such container bears a label containing an identifying symbol for such substance
3 in accordance with federal laws.

4 2. It shall be unlawful for any manufacturer of any controlled substance to distribute such
5 substance unless the labeling thereof conforms to the requirements of federal law and contains
6 the identifying symbol required in subsection 1 of this section.

7 3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to
8 or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such
9 narcotic or dangerous drug to any person other than the patient.

10 4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a
11 wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the
12 manufacturer or wholesaler shall securely affix to each package in which that drug is contained
13 a label showing in legible English the name and address of the vendor and the quantity, kind, and
14 form of controlled substance contained therein. No person except a pharmacist for the purpose
15 of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any
16 label so affixed.

17 5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on
18 a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or
19 advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in
20 which such drug is sold or dispensed a label showing his or her own name and address of the
21 pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the
22 patient is an animal, the name of the owner of the animal and the species of the animal; the name
23 of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or
24 veterinarian by whom the prescription was written; [the name of the collaborating physician if
25 the prescription is written by an advanced practice registered nurse or the supervising physician

26 if the prescription is written by a physician assistant,] and such directions as may be stated on
27 the prescription. No person shall alter, deface, or remove any label so affixed.

204.300. 1. In all counties except counties of the first classification which have a charter
2 form of government and which contain all or any portion of a city with a population of three
3 hundred fifty thousand or more inhabitants, the governing body of the county, by resolution,
4 order, or ordinance, shall appoint five trustees, the majority of whom shall reside within the
5 boundaries of the district. In the event the district extends into any county bordering the county
6 in which the greater portion of the district lies, the presiding commissioner or other chief
7 executive officer of the adjoining county shall be an additional member of the appointed board
8 of trustees. The trustees may be paid reasonable compensation by the district for their services;
9 except that, any compensation schedule shall be approved by resolution of the board of trustees.
10 The board of trustees shall be responsible for the control and operation of the sewer district. The
11 term of each board member shall be five years; except that, members of the governing body of
12 the county sitting upon the board shall not serve beyond the expiration of their term as members
13 of such governing body of the county. The first board of trustees shall be appointed for terms
14 ranging from one to five years so as to establish one vacancy per year thereafter. The trustees
15 may be paid reasonable compensation by the district for their services; except that, any
16 compensation schedule shall be approved by resolution, order, or ordinance of the governing
17 body of the county. Any and all expenses incurred in the performance of their duties shall be
18 reimbursed by the district. The board of trustees shall have the power to employ and fix the
19 compensation of such staff as may be necessary to discharge the business and purposes of the
20 district, including clerks, attorneys, administrative assistants, and any other necessary personnel.
21 The board of trustees shall select a treasurer, who may be either a member of the board of
22 trustees or another qualified individual. The treasurer selected by the board shall give such bond
23 as may be required by the board of trustees. The board of trustees shall appoint the sewer
24 engineer for the county in which the greater part of the district lies as chief engineer for the
25 district, and the sewer engineer shall have the same powers, responsibilities and duties in regard
26 to planning, construction and maintenance of the sewers, and treatment facilities of the district
27 as he now has by virtue of law in regard to the sewer facilities within the county for which he is
28 elected. If there is no sewer engineer in the county in which the greater part of the district lies,
29 the board of trustees may employ a registered professional engineer as chief engineer for the
30 district under such terms and conditions as may be necessary to discharge the business and
31 purposes of the district. The provisions of this subsection shall not apply to any county of the
32 first classification which has a charter form of government and which contains all or any portion
33 of a city with a population of three hundred fifty thousand or more inhabitants.

34 2. In any county of the first classification which has a charter form of government and
35 which contains all or any portion of a city with a population of three hundred fifty thousand or
36 more inhabitants, and in any county of the first classification without a charter form of
37 government and which has a population of more than sixty-three thousand seven hundred but
38 less than seventy-five thousand, there shall be [an eight-member] **a ten-member** board of
39 trustees to consist of the county executive, the mayors of the [four] **five** cities constituting the
40 largest users by flow during the previous fiscal year, the mayors of [two] **three** cities which are
41 not among the [four] **five** largest users and who are members of the advisory board of the district
42 established pursuant to section 204.310, and one member of the county legislature to be
43 appointed by the county executive, with the concurrence of the county legislature. If the county
44 executive does not appoint such members of the county legislature to the board of trustees within
45 sixty days, the county legislature shall make the appointments. The advisory board members
46 shall be appointed annually by the advisory board. In the event the district extends into any
47 county bordering the county in which the greater portion of the district lies, the number of
48 members on the board of trustees shall be increased to a total of [nine] **eleven** and the presiding
49 commissioner or county executive of the adjoining county shall be an additional member of the
50 board of trustees. The trustees shall receive no compensation for their services, but may be
51 compensated for their reasonable expenses normally incurred in the performance of their duties.
52 The board of trustees may employ and fix the compensation of such staff as may be necessary
53 to discharge the business and purposes of the district, including clerks, attorneys, administrative
54 assistants, and any other necessary personnel. The board of trustees may employ and fix the
55 duties and compensation of an administrator for the district. The administrator shall be the chief
56 executive officer of the district subject to the supervision and direction of the board of trustees
57 and shall exercise the powers, responsibilities and duties heretofore exercised by the chief
58 engineer prior to September 28, 1983. The administrator of the district may, with the approval
59 of the board of trustees, retain consulting engineers for the district under such terms and
60 conditions as may be necessary to discharge the business and purposes of the district. The
61 provisions of this subsection shall only apply to counties of the first classification which have
62 a charter form of government and which contain all or any portion of a city with a population of
63 three hundred fifty thousand or more inhabitants.

221.505. 1. As soon as reasonably possible, but in no case more than five hours
2 **after a person who has been convicted of a dangerous felony or who is being held on**
3 **suspicion of having committed a dangerous felony has escaped from a municipal detention**
4 **facility, county jail, regional jail, or private jail, the chief law enforcement official**
5 **responsible for such jail or detention facility or the chief administrator in the case of a**

6 private jail shall cause notification of the escape to be made to the Missouri uniform law
7 enforcement system (MULES).

8 **2. The notification required by this section shall include the name of the escaped**
9 **individual, any facts relevant to identifying the escaped individual, including but not**
10 **limited to, a physical description, a photograph or video of such individual, a description**
11 **of any mode of transportation such individual is believed to be using, and a description of**
12 **any person believed to be assisting such person in the escape, if any. The notification shall**
13 **also include the crimes for which the person was incarcerated in the jail or detention**
14 **facility and contact information for the jail or detention facility which can be used by any**
15 **person to report any information concerning the whereabouts of the escaped person.**

246.310. The provisions of section 262.802 shall not apply to any drainage district
2 **or levee district formed under the laws of this state.**

 260.205. 1. It shall be unlawful for any person to operate a solid waste processing
2 facility or solid waste disposal area of a solid waste management system without first obtaining
3 an operating permit from the department. It shall be unlawful for any person to construct a solid
4 waste processing facility or solid waste disposal area without first obtaining a construction
5 permit from the department pursuant to this section. A current authorization to operate issued
6 by the department pursuant to sections 260.200 to 260.345 shall be considered to be a permit to
7 operate for purposes of this section for all solid waste disposal areas and processing facilities
8 existing on August 28, 1995. A permit shall not be issued for a sanitary landfill to be located in
9 a flood area, as determined by the department, where flood waters are likely to significantly
10 erode final cover. A permit shall not be required to operate a waste stabilization lagoon, settling
11 pond or other water treatment facility which has a valid permit from the Missouri clean water
12 commission even though the facility may receive solid or semisolid waste materials.

13 2. No person or operator may apply for or obtain a permit to construct a solid waste
14 disposal area unless the person has requested the department to conduct a preliminary site
15 investigation and obtained preliminary approval from the department. The department shall,
16 within sixty days of such request, conduct a preliminary investigation and approve or disapprove
17 the site.

18 3. All proposed solid waste disposal areas for which a preliminary site investigation
19 request pursuant to subsection 2 of this section is received by the department on or after August
20 28, 1999, shall be subject to a public involvement activity as part of the permit application
21 process. The activity shall consist of the following:

22 (1) The applicant shall notify the public of the preliminary site investigation approval
23 within thirty days after the receipt of such approval. Such public notification shall be by certified

24 mail to the governing body of the county or city in which the proposed disposal area is to be
25 located and by certified mail to the solid waste management district in which the proposed
26 disposal area is to be located;

27 (2) Within ninety days after the preliminary site investigation approval, the department
28 shall conduct a public awareness session in the county in which the proposed disposal area is to
29 be located. The department shall provide public notice of such session by both printed and
30 broadcast media at least thirty days prior to such session. Printed notification shall include
31 publication in at least one newspaper having general circulation within the county in which the
32 proposed disposal area is to be located. Broadcast notification shall include public service
33 announcements on radio stations that have broadcast coverage within the county in which the
34 proposed disposal area is to be located. The intent of such public awareness session shall be to
35 provide general information to interested citizens on the design and operation of solid waste
36 disposal areas;

37 (3) At least sixty days prior to the submission to the department of a report on the results
38 of a detailed site investigation pursuant to subsection 4 of this section, the applicant shall conduct
39 a community involvement session in the county in which the proposed disposal area is to be
40 located. Department staff shall attend any such session. The applicant shall provide public
41 notice of such session by both printed and broadcast media at least thirty days prior to such
42 session. Printed notification shall include publication in at least one newspaper having general
43 circulation within the county in which the proposed disposal area is to be located. Broadcast
44 notification shall include public service announcements on radio stations that have broadcast
45 coverage within the county in which the proposed disposal area is to be located. Such public
46 notices shall include the addresses of the applicant and the department and information on a
47 public comment period. Such public comment period shall begin on the day of the community
48 involvement session and continue for at least thirty days after such session. The applicant shall
49 respond to all persons submitting comments during the public comment period no more than
50 thirty days after the receipt of such comments;

51 (4) If a proposed solid waste disposal area is to be located in a county or city that has
52 local planning and zoning requirements, the applicant shall not be required to conduct a
53 community involvement session if the following conditions are met:

54 (a) The local planning and zoning requirements include a public meeting;

55 (b) The applicant notifies the department of intent to utilize such meeting in lieu of the
56 community involvement session at least thirty days prior to such meeting;

57 (c) The requirements of such meeting include providing public notice by printed or
58 broadcast media at least thirty days prior to such meeting;

59 (d) Such meeting is held at least thirty days prior to the submission to the department of
60 a report on the results of a detailed site investigation pursuant to subsection 4 of this section;

61 (e) The applicant submits to the department a record of such meeting;

62 (f) A public comment period begins on the day of such meeting and continues for at least
63 fourteen days after such meeting, and the applicant responds to all persons submitting comments
64 during such public comment period no more than fourteen days after the receipt of such
65 comments.

66 4. No person may apply for or obtain a permit to construct a solid waste disposal area
67 unless the person has submitted to the department a plan for conducting a detailed surface and
68 subsurface geologic and hydrologic investigation and has obtained geologic and hydrologic site
69 approval from the department. The department shall approve or disapprove the plan within thirty
70 days of receipt. The applicant shall conduct the investigation pursuant to the plan and submit
71 the results to the department. The department shall provide approval or disapproval within sixty
72 days of receipt of the investigation results.

73 5. (1) Every person desiring to construct a solid waste processing facility or solid waste
74 disposal area shall make application for a permit on forms provided for this purpose by the
75 department. Every applicant shall submit evidence of financial responsibility with the
76 application. Any applicant who relies in part upon a parent corporation for this demonstration
77 shall also submit evidence of financial responsibility for that corporation and any other
78 subsidiary thereof.

79 (2) Every applicant shall provide a financial assurance instrument or instruments to the
80 department prior to the granting of a construction permit for a solid waste disposal area. The
81 financial assurance instrument or instruments shall be irrevocable, meet all requirements
82 established by the department and shall not be canceled, revoked, disbursed, released or allowed
83 to terminate without the approval of the department. After the cessation of active operation of
84 a sanitary landfill, or other solid waste disposal area as designed by the department, neither the
85 guarantor nor the operator shall cancel, revoke or disburse the financial assurance instrument or
86 allow the instrument to terminate until the operator is released from postclosure monitoring and
87 care responsibilities pursuant to section 260.227.

88 (3) The applicant for a permit to construct a solid waste disposal area shall provide the
89 department with plans, specifications, and such other data as may be necessary to comply with
90 the purpose of sections 260.200 to 260.345.

91 The application shall demonstrate compliance with all applicable local planning and zoning
92 requirements. The department shall make an investigation of the solid waste disposal area and
93 determine whether it complies with the provisions of sections 260.200 to 260.345 and the rules

94 and regulations adopted pursuant to sections 260.200 to 260.345. Within twelve consecutive
95 months of the receipt of an application for a construction permit the department shall approve
96 or deny the application. The department shall issue rules and regulations establishing time limits
97 for permit modifications and renewal of a permit for a solid waste disposal area. The time limit
98 shall be consistent with this chapter.

99 (4) The applicant for a permit to construct a solid waste processing facility shall provide
100 the department with plans, specifications and such other data as may be necessary to comply with
101 the purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the
102 application, the department shall determine whether it complies with the provisions of sections
103 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a
104 permit to construct an incinerator as defined in section 260.200 or a material recovery facility
105 as defined in section 260.200, and within six months for permit modifications, the department
106 shall approve or deny the application. Permits issued for solid waste **processing** facilities shall
107 be for the anticipated life of the facility.

108 (5) If the department fails to approve or deny an application for a permit or a permit
109 modification within the time limits specified in subdivisions (3) and (4) of this subsection, the
110 applicant may maintain an action in the circuit court of Cole County or that of the county in
111 which the facility is located or is to be sited. The court shall order the department to show cause
112 why it has not acted on the permit and the court may, upon the presentation of evidence
113 satisfactory to the court, order the department to issue or deny such permit or permit
114 modification. Permits for solid waste disposal areas, whether issued by the department or
115 ordered to be issued by a court, shall be for the anticipated life of the facility.

116 (6) The applicant for a permit to construct a solid waste processing facility shall pay an
117 application fee of one thousand dollars. Upon completion of the department's evaluation of the
118 application, but before receiving a permit, the applicant shall reimburse the department for all
119 reasonable costs incurred by the department up to a maximum of four thousand dollars. The
120 applicant for a permit to construct a solid waste disposal area shall pay an application fee of two
121 thousand dollars. Upon completion of the department's evaluations of the application, but before
122 receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred
123 by the department up to a maximum of eight thousand dollars. Applicants who withdraw their
124 application before the department completes its evaluation shall be required to reimburse the
125 department for costs incurred in the evaluation. The department shall not collect the fees
126 authorized in this subdivision unless it complies with the time limits established in this section.

127 (7) When the review reveals that the facility or area does conform with the provisions
128 of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections

129 260.200 to 260.345, the department shall approve the application and shall issue a permit for the
130 construction of each solid waste processing facility or solid waste disposal area as set forth in
131 the application and with any permit terms and conditions which the department deems
132 appropriate. In the event that the facility or area fails to meet the rules and regulations adopted
133 pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant
134 stating the reason for denial of a permit.

135 6. Plans, designs, and relevant data for the construction of solid waste processing
136 facilities and solid waste disposal areas shall be submitted to the department by a registered
137 professional engineer licensed by the state of Missouri for approval prior to the construction,
138 alteration or operation of such a facility or area.

139 7. Any person or operator as defined in section 260.200 who intends to obtain a
140 construction permit in a solid waste management district with an approved solid waste
141 management plan shall request a recommendation in support of the application from the
142 executive board created in section 260.315. The executive board shall consider the impact of
143 the proposal on, and the extent to which the proposal conforms to, the approved district solid
144 waste management plan prepared pursuant to section 260.325. The executive board shall act
145 upon the request for a recommendation within sixty days of receipt and shall submit a resolution
146 to the department specifying its position and its recommendation regarding conformity of the
147 application to the solid waste plan. The board's failure to submit a resolution constitutes
148 recommendation of the application. The department may consider the application, regardless of
149 the board's action thereon and may deny the construction permit if the application fails to meet
150 the requirements of sections 260.200 to 260.345, or if the application is inconsistent with the
151 district's solid waste management plan.

152 8. If the site proposed for a solid waste disposal area is not owned by the applicant, the
153 owner or owners of the site shall acknowledge that an application pursuant to sections 260.200
154 to 260.345 is to be submitted by signature or signatures thereon. The department shall provide
155 the owner with copies of all communication with the operator, including inspection reports and
156 orders issued pursuant to section 260.230.

157 9. The department shall not issue a permit for the operation of a solid waste disposal area
158 designed to serve a city with a population of greater than four hundred thousand located in more
159 than one county, if the site is located within one-half mile of an adjoining municipality, without
160 the approval of the governing body of such municipality. The governing body shall conduct a
161 public hearing within fifteen days of notice, shall publicize the hearing in at least one newspaper
162 having general circulation in the municipality, and shall vote to approve or disapprove the land
163 disposal facility within thirty days after the close of the hearing.

164 10. Upon receipt of an application for a permit to construct a solid waste processing
165 facility or disposal area, the department shall notify the public of such receipt:

166 (1) By legal notice published in a newspaper of general circulation in the area of the
167 proposed disposal area or processing facility;

168 (2) By certified mail to the governing body of the county or city in which the proposed
169 disposal area or processing facility is to be located; and

170 (3) By mail to the last known address of all record owners of contiguous real property
171 or real property located within one thousand feet of the proposed disposal area and, for a
172 proposed processing facility, notice as provided in section 64.875, RSMo, or section 89.060,
173 RSMo, whichever is applicable.

174 (4) If an application for a construction permit meets all statutory and regulatory
175 requirements for issuance, a public hearing on the draft permit shall be held by the department
176 in the county in which the proposed solid waste disposal area is to be located prior to the
177 issuance of the permit. The department shall provide public notice of such hearing by both
178 printed and broadcast media at least thirty days prior to such hearing. Printed notification shall
179 include publication in at least one newspaper having general circulation within the county in
180 which the proposed disposal area is to be located. Broadcast notification shall include public
181 service announcements on radio stations that have broadcast coverage within the county in which
182 the proposed disposal area is to be located.

183 11. After the issuance of a construction permit for a solid waste disposal area, but prior
184 to the beginning of disposal operations, the owner and the department shall execute an easement
185 to allow the department, its agents or its contractors to enter the premises to complete work
186 specified in the closure plan, or to monitor or maintain the site or to take remedial action during
187 the postclosure period. After issuance of a construction permit for a solid waste disposal area,
188 but prior to the beginning of disposal operations, the owner shall submit evidence that he or she
189 has recorded, in the office of the recorder of deeds in the county where the disposal area is
190 located, a notice and covenant running with the land that the property has been permitted as a
191 solid waste disposal area and prohibits use of the land in any manner which interferes with the
192 closure and, where appropriate, postclosure plans filed with the department.

193 12. Every person desiring to obtain a permit to operate a solid waste disposal area or
194 processing facility shall submit applicable information and apply for an operating permit from
195 the department. The department shall review the information and determine, within sixty days
196 of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules
197 and regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that
198 the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules

199 and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a
200 permit for the operation of each solid waste processing facility or solid waste disposal area and
201 with any permit terms and conditions which the department deems appropriate. In the event that
202 the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200
203 to 260.345, the department shall issue a report to the applicant stating the reason for denial of
204 a permit.

205 13. Each solid waste disposal area, except utility waste landfills unless otherwise and to
206 the extent required by the department, and those solid waste processing facilities designated by
207 rule, shall be operated under the direction of a certified solid waste technician in accordance with
208 sections 260.200 to 260.345 and the rules and regulations promulgated pursuant to sections
209 260.200 to 260.345.

210 14. Base data for the quality and quantity of groundwater in the solid waste disposal area
211 shall be collected and submitted to the department prior to the operation of a new or expansion
212 of an existing solid waste disposal area. Base data shall include a chemical analysis of
213 groundwater drawn from the proposed solid waste disposal area.

214 15. Leachate collection and removal systems shall be incorporated into new or expanded
215 sanitary landfills which are permitted after August 13, 1986. The department shall assess the
216 need for a leachate collection system for all types of solid waste disposal areas, other than
217 sanitary landfills, and the need for monitoring wells when it evaluates the application for all new
218 or expanded solid waste disposal areas. The department may require an operator of a solid waste
219 disposal area to install a leachate collection system before the beginning of disposal operations,
220 at any time during disposal operations for unfilled portions of the area, or for any portion of the
221 disposal area as a part of a remedial plan. The department may require the operator to install
222 monitoring wells before the beginning of disposal operations or at any time during the
223 operational life or postclosure care period if it concludes that conditions at the area warrant such
224 monitoring. The operator of a demolition landfill or utility waste landfill shall not be required
225 to install a leachate collection and removal system or monitoring wells unless otherwise and to
226 the extent the department so requires based on hazardous waste characteristic criteria or site
227 specific geohydrological characteristics or conditions.

228 16. Permits granted by the department, as provided in sections 260.200 to 260.345, shall
229 be subject to suspension for a designated period of time, civil penalty or revocation whenever
230 the department determines that the solid waste processing facility or solid waste disposal area
231 is, or has been, operated in violation of sections 260.200 to 260.345 or the rules or regulations
232 adopted pursuant to sections 260.200 to 260.345, or has been operated in violation of any permit
233 terms and conditions, or is creating a public nuisance, health hazard, or environmental pollution.

234 In the event a permit is suspended or revoked, the person named in the permit shall be fully
235 informed as to the reasons for such action.

236 17. Each permit for operation of a facility or area shall be issued only to the person
237 named in the application. Permits are transferable as a modification to the permit. An
238 application to transfer ownership shall identify the proposed permittee. A disclosure statement
239 for the proposed permittee listing violations contained in subsection 19 of this section shall be
240 submitted to the department. The operation and design plans for the facility or area shall be
241 updated to provide compliance with the currently applicable law and rules. A financial assurance
242 instrument in such an amount and form as prescribed by the department shall be provided for
243 solid waste disposal areas by the proposed permittee prior to transfer of the permit. The financial
244 assurance instrument of the original permittee shall not be released until the new permittee's
245 financial assurance instrument has been approved by the department and the transfer of
246 ownership is complete.

247 18. Those solid waste disposal areas permitted on January 1, 1996, shall, upon
248 submission of a request for permit modification, be granted a solid waste management area
249 operating permit if the request meets reasonable requirements set out by the department.

250 19. In case a permit required pursuant to this section is denied or revoked, the person
251 may request a hearing in accordance with section 260.235.

252 20. Any person seeking a permit or renewal of a permit to operate a commercial solid
253 waste processing facility, or a solid waste disposal area shall, concurrently with the filing of
254 application for a permit, file a disclosure statement with the department of natural resources. The
255 disclosure statement shall include, but not be limited to, a listing of any felony convictions by
256 state or federal agencies, and a listing of other enforcement actions, sanctions, permit revocations
257 or denials by any state or federal authority of every person seeking a permit, including officers,
258 directors, partners and facility or location managers of each person seeking a permit, any
259 violations of Missouri environmental statutes, violations of the environmental statutes of other
260 states or federal statutes and a listing of convictions for any crimes or criminal acts, an element
261 of which involves restraint of trade, price-fixing, intimidation of the customers of another person
262 or for engaging in any other acts which may have the effect of restraining or limiting competition
263 concerning activities regulated pursuant to this chapter or similar laws of other states or the
264 federal government; except that convictions for violations by entities purchased or acquired by
265 an applicant or permittee which occurred prior to the purchase or acquisition shall not be
266 included. The department shall by rule, define those environmental violations which must be
267 reported pursuant to this section. For purposes of this section, additional persons as required by
268 rule shall be named in the statement and violations or convictions of such persons shall be listed.

269 The department or its representative shall verify the information provided on the disclosure
270 statement prior to permit issuance. The disclosure statement shall be used by the department in
271 determining whether a permit should be granted or denied on the basis of the applicant's status
272 as a habitual violator; however, the department has the authority to make a habitual violator
273 determination independent of the information contained in the disclosure statement. After permit
274 issuance, each facility shall annually file an updated disclosure statement with the department
275 of natural resources on or before March thirty-first of each year. Any county, district,
276 municipality, authority or other political subdivision of this state which owns and operates a
277 sanitary landfill shall be exempt from the provisions of this subsection.

278 21. Any person seeking a permit to operate a solid waste disposal area, a solid waste
279 processing facility or a resource recovery facility shall, concurrently with the filing of the
280 application for a permit, disclose any convictions in this state of municipal or county public
281 health or land use ordinances related to the management of solid waste. If the department finds
282 that there has been a continuing pattern of serious adjudicated violations by the applicant, the
283 department may deny the application.

284 22. No permit to construct or permit to operate shall be required pursuant to this section
285 for any utility waste landfill located in a county of the third classification with a township form
286 of government which has a population of at least eleven thousand inhabitants and no more than
287 twelve thousand five hundred inhabitants according to the most recent decennial census, if such
288 utility waste landfill complies with all design and operating standards and closure requirements
289 applicable to utility waste landfills pursuant to sections 260.200 to 260.345 and provided that
290 no waste disposed of at such utility waste landfill is considered hazardous waste pursuant to the
291 Missouri hazardous waste law.

292 **23. The department shall by regulation establish minimum design, siting, operation,**
293 **inspection, monitoring, financial assurance, and closure requirements for material**
294 **recovery facilities. The department may establish different regulatory requirements**
295 **depending on the nature and content of the solid waste streams processed by the facility,**
296 **the degree of automation to be used in the processing and recovery activities, the amount**
297 **and type of nonrecyclable wastes remaining after resource recovery, and other factors to**
298 **be determined by the department. Until such time as the material recovery facility**
299 **regulations required by this subsection become final and effective, no permit may be issued**
300 **to construct or operate a material recovery facility unless such facility processes only solid**
301 **wastes collected as part of a source-separated or single-stream residential, commercial, or**
302 **industrial recycling program or programs.**

260.247. 1. Any city or political subdivision which annexes an area [or], enters into or
2 expands solid waste collection services into an area, **or engages in the ownership or operation**
3 **of a solid waste processing facility** where the collection of solid waste **or the processing of**
4 **solid waste** is presently being provided by one or more private entities, for commercial or
5 residential services, shall notify the private entity or entities of its intent to provide solid waste
6 collection services **or own or operate a solid waste processing facility** in the area by certified
7 mail.

8 2. A city or political subdivision shall not commence solid waste collection in such area
9 for at least two years from the effective date of the annexation or at least two years from the
10 effective date of the notice that the city or political subdivision intends to enter into the business
11 of solid waste collection or to expand existing solid waste collection services into the area, **nor**
12 **shall the city or political subdivision commence ownership or operation of a solid waste**
13 **reprocessing facility in such area for at least five years from the effective date of such**
14 **notice**, unless the city or political subdivision contracts with the private entity or entities to
15 continue such services for that period. If for any reason the city or political subdivision does not
16 exercise its option to provide for or contract for the provision of services within an affected area
17 within three years from the effective date of [the] **a solid waste collection notice, or within six**
18 **years of the effective date of a solid waste processing facility** notice, then the city or political
19 subdivision shall renotify under subsection 1 of this section.

20 3. If the services to be provided under a contract with the city or political subdivision
21 pursuant to subsection 2 of this section, **or by the city or political subdivision itself if it is to**
22 **own or operate the facility providing such services**, are substantially the same as the services
23 rendered in the area prior to the decision of the city to annex the area or to enter into or expand
24 its solid waste collection services **or to own or operate a solid waste processing facility in or**
25 **into the area**, the amount paid by the city shall be at least equal to the amount the private entity
26 or entities would have received for providing such services during that period.

27 4. Any private entity or entities which provide collection service in the area which the
28 city or political subdivision has decided to annex or enter into or expand its solid waste
29 collection services [into] **or to own or operate a solid waste processing facility** shall make
30 available upon written request by the city not later than thirty days following such request all
31 information in its possession or control which pertains to its activity in the area necessary for the
32 city to determine the nature and scope of the potential contract.

33 5. The provisions of this section shall apply to private entities that service fifty or more
34 residential accounts or any commercial accounts in the area in question.

301.716. 1. Any violation of the provisions of sections 301.700 to 301.714 shall be an
2 infraction. An arrest or service of summons for violations of the provisions of sections 301.700
3 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304 or 307,
4 RSMo, as such provisions relate to all-terrain vehicles may be made by the duly authorized law
5 enforcement officer of any political subdivision of the state[,] **or** the highway patrol [and the
6 state water patrol].

7 2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo, or the
8 provisions of this chapter, chapter 304 or 307, RSMo, as such provisions relate to all-terrain
9 vehicles or any rule or order hereunder may be referred to the proper prosecuting attorney or
10 circuit attorney who may, with or without such reference, institute appropriate proceedings.

11 3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions
12 of this chapter, chapter 304 or 307, RSMo, as such provisions relate to all-terrain vehicles limits
13 the power of the state to punish any person for any conduct which constitutes a crime by statute
14 or at common law.

303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial
4 responsibility which conforms to the requirements of the laws of this state. **No nonresident**
5 **shall operate or permit another person to operate in this state a motor vehicle registered**
6 **to such nonresident unless the nonresident maintains the financial responsibility which**
7 **conforms to the requirements of the laws of the nonresident's state of residence.**
8 Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that
9 the owner has not maintained financial responsibility unless such person has financial
10 responsibility which covers the person's operation of the other's vehicle; however, no owner **or**
11 **nonresident** shall be in violation of this subsection if he or she fails to maintain financial
12 responsibility on a motor vehicle which is inoperable or being stored and not in operation. The
13 director may prescribe rules and regulations for the implementation of this section.

14 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
15 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
16 requirements of the laws of this state. **A nonresident motor vehicle owner shall maintain the**
17 **owner's financial responsibility which conforms to the requirements of the laws of the**
18 **nonresident's state of residence.**

19 3. Any person who violates this section is guilty of a class C misdemeanor. However,
20 no person shall be found guilty of violating this section if the operator demonstrates to the court
21 that he or she met the financial responsibility requirements of this section at the time the peace

22 officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the
23 citation. In addition to any other authorized punishment, the court shall notify the director of
24 revenue of any person convicted pursuant to this section and shall do one of the following:

25 (1) Enter an order suspending the driving privilege as of the date of the court order. If
26 the court orders the suspension of the driving privilege, the court shall require the defendant to
27 surrender to it any driver's license then held by such person. The length of the suspension shall
28 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of
29 revenue the order of suspension of driving privilege and any license surrendered within ten days;

30 (2) Forward the record of the conviction for an assessment of four points; or

31 (3) In lieu of an assessment of points, render an order of supervision as provided in
32 section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than
33 one time in any thirty-six-month period. Every court having jurisdiction pursuant to the
34 provisions of this section shall forward a record of conviction to the Missouri state highway
35 patrol, or at the written direction of the Missouri state highway patrol, to the department of
36 revenue, in a manner approved by the director of the department of public safety. The director
37 shall establish procedures for the record keeping and administration of this section.

38 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
39 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions
40 and professional registration from approving or authorizing those exclusions and limitations
41 which are contained in automobile liability insurance policies and the uninsured motorist
42 provisions of automobile liability insurance policies.

43 5. If a court enters an order of suspension, the offender may appeal such order directly
44 pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

303.080. 1. In case the operator or the owner of a motor vehicle involved in an accident
2 within this state has no license or registration, or is a nonresident, he shall not be allowed a
3 license or registration until he has complied with the requirements of this chapter to the same
4 extent that would be necessary if, at the time of the accident, he had held a license and
5 registration.

6 2. When a nonresident's operating privilege is suspended pursuant to [section 303.030
7 or section 303.140] **this chapter**, the director shall transmit a certified copy of the record of such
8 action to the official in charge of the issuance of licenses and registration certificates in the state
9 in which such nonresident resides[, if the law of such other state provides for action in relation
10 thereto similar to that provided for in subsection 3 of this section].

11 3. Upon receipt of such certification that the operating privilege of a resident of this state
12 has been suspended or revoked in any such other state pursuant to a law providing for its

13 suspension or revocation for failure to deposit security for the payment of judgments arising out
14 of a motor vehicle accident, under circumstances which would require the director to suspend
15 a nonresident's operating privilege had the accident occurred in this state, the director shall
16 suspend the license of such resident if he was the operator, and all of his registrations if he was
17 the owner of a motor vehicle involved in such accident. Such suspension shall continue until
18 such resident furnishes evidence of his compliance with the law of such other state relating to
19 the deposit of such security.

304.890. As used in sections 304.890 to 304.894, the term "active emergency zone" is defined as any area upon or around any highway as defined in section 302.010 which is visibly marked by emergency personnel performing work for the purpose of emergency response as an area where an active emergency or incident removal, is temporarily occurring. The term "active emergency zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed. As used in sections 304.890 to 304.894, the term "active emergency" means any incident occurring on a public highway or the right-of-way of a public highway that requires emergency services from police or highway patrol officers, firefighters, first responders, emergency medical workers, tow truck operators, or other emergency personnel. The terms "emergency personnel" or "emergency responder" as used in sections 304.890 to 304.894 shall mean any police officer, firefighter, highway patrol officer, first responder, emergency medical worker, tow truck operator or other emergency personnel responding to an emergency on a public highway or the right-of-way of a public highway.

304.892. 1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010 or any offense listed in section 302.302, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within an active emergency zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.

2. Upon the first conviction or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 4 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law if the offense occurred within an active emergency zone and at the time the speeding or passing violation occurred there were any emergency personnel or emergency responders in such zone. Upon a second or subsequent such conviction or plea

13 of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine
14 authorized by law. However, no person assessed an additional fine under this subsection
15 shall also be assessed an additional fine under subsection 1 of this section, and no person
16 shall be assessed an additional fine under this subsection if the area is not visibly marked
17 by emergency personnel under subsection 3 of this section.

18 **3. The penalty authorized by subsection 2 of this section shall only be assessed by**
19 **the court if the emergency personnel or emergency responder has visibly marked the active**
20 **emergency zone.**

21 **4. The driver of a motor vehicle may not overtake or pass another motor vehicle**
22 **within an active emergency zone as provided in this subsection. Violation of this subsection**
23 **is a class C misdemeanor.**

24 **5. The additional fines imposed by this section shall not be construed to enhance**
25 **the assessment of court costs or the assessment of points under section 302.302.**

304.894. 1. A person shall be deemed to commit the offense of endangerment of
2 **emergency personnel or emergency responder upon conviction for any of the following**
3 **when the offense occurs within an active emergency zone, as defined in section 304.860:**

4 **(1) Exceeding the posted speed limit by fifteen miles per hour or more;**

5 **(2) Passing in violation of subsection 4 of section 304.862;**

6 **(3) Failure to stop for an active emergency zone flagman or emergency personnel,**
7 **or failure to obey traffic control devices erected or personnel posted in the active**
8 **emergency zone for purposes of controlling the flow of motor vehicles through the zone;**

9 **(4) Driving through or around an active emergency zone by any lane not clearly**
10 **designated to motorists for the flow of traffic through or around the active emergency**
11 **zone;**

12 **(5) Physically assaulting, or attempting to assault, or threatening to assault an**
13 **emergency responder in an active emergency zone, with a motor vehicle or other**
14 **instrument;**

15 **(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other**
16 **devices erected to control the flow of traffic to protect emergency responders and motorists**
17 **in the active emergency zone for a reason other than avoidance of an obstacle, an**
18 **emergency, or to protect the health and safety of an occupant of the motor vehicle or of**
19 **another person; or**

20 **(7) Committing any of the following offenses for which points may be assessed**
21 **under section 302.302:**

22 **(a) Leaving the scene of an accident in violation of section 577.060;**

- 23 **(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;**
24 **(c) Operating without a valid license in violation of subdivision (1) or (2) of**
25 **subsection 1 of section 302.020;**
26 **(d) Operating with a suspended or revoked license;**
27 **(e) Driving while in an intoxicated condition or under the influence of controlled**
28 **substances or drugs or driving with an excessive blood alcohol content;**
29 **(f) Any felony involving the use of a motor vehicle.**
- 30 **2. Upon conviction or a plea of guilty for committing the offense of endangerment**
31 **of an emergency responder under subsection 1 of this section if no injury or death to an**
32 **emergency responder resulted from the offense, in addition to any other penalty authorized**
33 **by law, the person shall be subject to a fine of not more than one thousand dollars and**
34 **shall have four points assessed to his or her driver's license under section 302.302.**
- 35 **3. A person shall be deemed to commit the offense of aggravated endangerment of**
36 **an emergency responder upon conviction or a plea of guilty for any offense under**
37 **subsection 1 of this section when such offense occurs in an active emergency zone as**
38 **defined in section 304.890 and results in the injury or death of an emergency responder.**
39 **Upon conviction or a plea of guilty for committing the offense of aggravated endangerment**
40 **of an emergency responder, in addition to any other penalty authorized by law, the person**
41 **shall be subject to a fine of not more than five thousand dollars if the offense resulted in**
42 **injury to an emergency responder and ten thousand dollars if the offense resulted in death**
43 **to an emergency responder. In addition, such person shall have twelve points assessed to**
44 **their driver's license under section 302.302 and shall be subject to the provisions of section**
45 **302.304 regarding the revocation of the person's license and driving privileges.**
- 46 **4. Except for the offense established under subdivision (6) of subsection 1 of this**
47 **section, no person shall be deemed to commit the offense of endangerment of an emergency**
48 **responder except when the act or omission constituting the offense occurred when one or**
49 **more emergency responders were responding to an active emergency as defined in section**
50 **304.890.**
- 51 **5. No person shall be cited or convicted for endangerment of an emergency**
52 **responder or aggravated endangerment of an emergency responder, for any act or**
53 **omission otherwise constituting an offense under subsection 1 of this section, if such act or**
54 **omission resulted in whole or in part from mechanical failure of the person's vehicle or**
55 **from the negligence of another person or emergency responder.**

306.010. As used in this chapter the following terms mean:

- 2 (1) "Motorboat", any vessel propelled by machinery, whether or not such machinery is
3 a principal source of propulsion;
- 4 (2) "Operate", to navigate or otherwise use a motorboat or a vessel;
- 5 (3) "Operator", the person who operates or has charge of the navigation or use of a
6 vessel;
- 7 (4) "Owner", a person other than a lienholder, having the property in or title to a
8 motorboat. The term includes a person entitled to the use or possession of a motorboat subject
9 to an interest of another person, reserved or created by agreement and securing payment or
10 performance of an obligation, but the term excludes a lessee under a lease not intended as
11 security;
- 12 (5) "Parasailing", the towing of any person equipped with a parachute or kite equipment
13 by any watercraft operating on the waters of this state;
- 14 (6) "Personal watercraft", a class of vessel, which is less than sixteen feet in length,
15 propelled by machinery which is designed to be operated by a person sitting, standing or kneeling
16 on the vessel, rather than being operated by a person sitting or standing inside the vessel;
- 17 (7) "Skiing", any activity that involves a person or persons being towed by a vessel,
18 including but not limited to waterskiing, wake boarding, wake surfing, knee boarding, and
19 tubing;
- 20 (8) "Vessel", every motorboat and every description of motorized watercraft, and any
21 watercraft more than twelve feet in length which is powered by sail alone or by a combination
22 of sail and machinery, used or capable of being used as a means of transportation on water, but
23 not any watercraft having as the only means of propulsion a paddle or oars;
- 24 (9) "Watercraft", any boat or craft, including a vessel, used or capable of being used as
25 a means of transport on waters;
- 26 (10) **"Water patrol division of the state highway patrol" or "Water patrol**
27 **division", the division responsible for enforcing the provisions of this chapter on the waters**
28 **of this state. The revisor of statutes is instructed to replace the terms "Missouri state water**
29 **patrol" or "State water patrol" wherever those terms exist in this chapter with the term**
30 **"Water patrol division".**
- 31 (11) "Waters of this state", any waters within the territorial limits of this state and lakes
32 constructed or maintained by the United States Army Corps of Engineers except bodies of water
33 owned by a person, corporation, association, partnership, municipality or other political
34 subdivision, public water supply impoundments, and except drainage ditches constructed by a
35 drainage district, but the term does include any body of water which has been leased to or owned
36 by the state department of conservation.

306.165. Each [water] patrol officer [appointed] **assigned to the water patrol division** by the [Missouri state water patrol and each of such other employees as may be designated by the patrol, before entering upon his or her duties, shall take and subscribe an oath of office to perform all duties faithfully and impartially, and shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting] **superintendent of the highway patrol as provided in section 43.390 shall possess** all the powers of a peace officer to enforce all laws of this state, upon all of the following:

- 8 (1) The waterways of this state bordering the lands set forth in subdivisions (2), (3), (4),
9 and (5) of this section;
- 10 (2) All federal land, where not prohibited by federal law or regulation, and state land
11 adjoining the waterways of this state;
- 12 (3) All land within three hundred feet of the areas in subdivision (2) of this section;
- 13 (4) All land adjoining and within six hundred feet of any waters impounded in areas not
14 covered in subdivision (2) **of this section** with a shoreline in excess of four miles;
- 15 (5) All land adjoining and within six hundred feet of the rivers and streams of this state;
- 16 (6) Any other jurisdictional area, pursuant to the provisions of section 306.167;
- 17 (7) All premises leased or owned or under control of the Missouri state water patrol.

18
19 Each [water] patrol officer **assigned to the water patrol division** may board any watercraft at
20 any time, with probable cause, for the purpose of making any inspection necessary to determine
21 compliance with the provisions of this chapter. Each [water] patrol officer may arrest on view
22 and without a warrant any person he or she sees violating or who such patrol officer has
23 reasonable grounds to believe has violated any law of this state, upon any water or land area
24 subject to his or her jurisdiction as provided in this section or may arrest anyone violating any
25 law in his or her presence throughout the state. Each [water] patrol officer, while investigating
26 an accident or crime that was originally committed within such patrol officer's jurisdiction, as
27 set forth in this section, may arrest any person who he or she has probable cause to believe has
28 committed such crime, even if the suspect is currently out of the **division of** water patrol's
29 jurisdiction. [Water] Patrol officers, if practicable, shall notify the sheriff or the police
30 department prior to making an arrest within their respective county or city. Each [water] patrol
31 officer shall comply with the training and certification provisions of chapter 590, RSMo.

306.167. The uniformed members of the [state] water patrol **division**, with the exception
2 of radio personnel, shall have full power and authority as now or hereafter vested by law in peace
3 officers when working with and at the special request of the sheriff of any county, the chief park
4 ranger of any first class county not having a charter form of government and containing a portion

5 of a city with a population exceeding four hundred thousand inhabitants, the chief of police of
6 any city, or the superintendent of the state highway patrol [as directed by the commissioner of
7 the water patrol]; provided, however, that such power and authority shall be exercised only upon
8 the prior notification of the chief law enforcement officer of each jurisdiction.

306.168. In the investigation of an accident or crime that was originally committed
2 within [such patrol officer's] **the water patrol division's** jurisdiction, as set forth in section
3 306.165, the members of the water patrol **division** may request that the prosecuting or circuit
4 attorney apply for, and members of the water patrol **division** may serve, search warrants
5 anywhere within the state of Missouri, provided the sheriff of the county in which the warrant
6 is to be served, or his designee, shall be notified upon application by the applicant of the search
7 warrant. **The sheriff or his designee shall participate in serving the search warrant except**
8 **for offenses pertaining to boating while intoxicated and the investigation of vessel**
9 **accidents. Any designee of the sheriff shall be a deputy sheriff or other person certified as**
10 **a peace officer under chapter 590, RSMo. The sheriff shall always have a designee**
11 **available.**

306.185. 1. There is hereby created in the state treasury the "Missouri State Water Patrol
2 Fund", which shall consist of money collected under section 306.030. The state treasurer shall
3 be custodian of the fund and shall approve disbursements from the fund in accordance with
4 sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely
5 for the expenses of the Missouri state **highway patrol**, water patrol **division**, including but not
6 limited to [personal] **personnel** expense, training expense, and equipment expense **for the**
7 **purpose of enforcing the laws of this chapter.**

8 2. Notwithstanding the provisions of section 33.080, RSMo, any moneys remaining in
9 the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

10 3. The state treasurer shall invest moneys in the fund in the same manner as other funds
11 are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12 [4. Within available appropriations in this section, the commissioner of the water patrol
13 shall establish with the advice of the director of personnel an equitable pay plan for the members
14 of the water patrol and radio personnel taking into consideration ranks and length of service.

15 5. If in the immediate previous fiscal year, the state's net general revenue did not increase
16 by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or
17 bequests, received under this section beginning January first of the current fiscal year into the
18 state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in
19 accordance with the provisions of this section.]

2 **307.129. 1. All vehicles operated by a contract carrier, as defined in subsection 2**
3 **of this section, either purchased, leased, or otherwise newly placed in service after**
4 **February 28, 2011, shall be equipped with one or more operable oscillating amber light or**
5 **white strobe light which shall be mounted to either the roof of the vehicle in the rear one**
6 **third portion, or on or integrated into the rear bumper of the vehicle, and shall be utilized**
7 **to provide warning to other motorists whenever the vehicle has stopped on or directly**

8 **2. For purposes of this section, "contract carrier" means a passenger contract**
9 **carrier that transports passengers for compensation.**

10 **3. The provisions of this section shall be considered minimum standards and shall**
11 **not be construed to supercede or abrogate any law, rule, or regulation that imposes stricter**
12 **standards or regulations upon the operation of contract carriers that transport passengers**
13 **for compensation.**

 334.747. 1. A physician assistant with a certificate of controlled substance prescriptive
2 authority as provided in this section may prescribe any controlled substance listed in schedule
3 III, IV, or V of section 195.017, RSMo, when delegated the authority to prescribe controlled
4 substances in a supervision agreement. Such authority shall be listed on the supervision
5 verification form on file with the state board of healing arts. The supervising physician shall
6 maintain the right to limit a specific scheduled drug or scheduled drug category that the physician
7 assistant is permitted to prescribe. Any limitations shall be listed on the supervision form.
8 Physician assistants shall not prescribe controlled substances for themselves or members of their
9 families. Schedule III controlled substances shall be limited to a five-day supply without refill.
10 Physician assistants who are authorized to prescribe controlled substances under this section
11 shall register with the federal Drug Enforcement Administration and the state bureau of narcotics
12 and dangerous drugs, and shall include [such] **the Drug Enforcement Administration**
13 registration numbers on prescriptions for controlled substances.

14 2. The supervising physician shall be responsible to determine and document the
15 completion of at least one hundred twenty hours in a four-month period by the physician assistant
16 during which the physician assistant shall practice with the supervising physician on-site prior
17 to prescribing controlled substances when the supervising physician is not on-site. Such
18 limitation shall not apply to physician assistants of population-based public health services as
19 defined in 20 CSR 2150-5.100 as of April 30, 2009.

20 3. A physician assistant shall receive a certificate of controlled substance prescriptive
21 authority from the board of healing arts upon verification of the completion of the following
22 educational requirements:

23 (1) Successful completion of an advanced pharmacology course that includes clinical
24 training in the prescription of drugs, medicines, and therapeutic devices. A course or courses
25 with advanced pharmacological content in a physician assistant program accredited by the
26 Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its
27 predecessor agency shall satisfy such requirement;

28 (2) Completion of a minimum of three hundred clock hours of clinical training by the
29 supervising physician in the prescription of drugs, medicines, and therapeutic devices;

30 (3) Completion of a minimum of one year of supervised clinical practice or supervised
31 clinical rotations. One year of clinical rotations in a program accredited by the Accreditation
32 Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor
33 agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy
34 such requirement. Proof of such training shall serve to document experience in the prescribing
35 of drugs, medicines, and therapeutic devices;

36 (4) A physician assistant previously licensed in a jurisdiction where physician assistants
37 are authorized to prescribe controlled substances may obtain a state bureau of narcotics and
38 dangerous drugs registration if a supervising physician can attest that the physician assistant has
39 met the requirements of subdivisions (1) to (3) of this subsection and provides documentation
40 of existing federal Drug Enforcement Agency registration.

41 **4. A physician assistant or advance practice registered nurse or comparable mid-**
42 **level practitioner located in another state may prescribe controlled substances or may**
43 **cause the same to be dispensed by an individual as authorized by statute, provided:**

44 (1) **He or she has fulfilled the requirements of the state in which he or she is**
45 **licensed and practicing as well as those of the United States to prescribe controlled**
46 **substances;**

47 (2) **He or she writes the controlled substance prescription in compliance with the**
48 **applicable laws of the state in which he or she is licensed and practicing as well as those of**
49 **the United States; and**

50 (3) **The prescription is dispensed to a patient who is a resident of another state.**

338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a
2 uniform fashion consistent with this section a suitable **book, file, or electronic record keeping**
3 **system** in which shall be preserved, for a period of not less than five years, the original or order
4 of each drug which has been compounded or dispensed at such pharmacy, according to and in
5 compliance with standards provided by the board, and shall produce the same in court or before
6 any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription
7 file on readable microfilm for records maintained over three years. After September, 1999, a

8 licensed pharmacy may preserve prescription files on microfilm or by electronic media storage
9 for records maintained over three years. The pharmacist in charge shall be responsible for
10 complying with the permit holder's record-keeping system in compliance with this section.
11 Records maintained by a pharmacy that contain medical or drug information on patients or their
12 care shall be considered as confidential and shall only be released according to standards
13 provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish
14 to the [prescribe] **prescriber**, and may furnish to the person for whom such prescription was
15 compounded or dispensed, a true and correct copy of the original prescription. The file of
16 original prescriptions **kept in any format in compliance with this section**, and other
17 confidential records, as defined by law, shall at all times be open for inspection by board of
18 pharmacy representatives. **Records maintained in an electronic recordkeeping system shall**
19 **contain all information otherwise required in a manual record keeping system. Electronic**
20 **records shall be readily retrievable. Pharmacies may electronically maintain the original**
21 **prescription or prescription order for each drug and may electronically annotate any**
22 **change or alteration to a prescription record in the electronic record keeping system as**
23 **authorized by law; provided however, original written and faxed prescriptions shall be**
24 **physically maintained on file at the pharmacy under state and federal controlled substance**
25 **laws.**

26 2. An institutional pharmacy located in a hospital shall be responsible for maintaining
27 records of the transactions of the pharmacy as required by federal and state laws and as necessary
28 to maintain adequate control and accountability of all drugs. This shall include a system of
29 controls and records for the requisitioning and dispensing of pharmaceutical supplies where
30 applicable to patients, nursing care units and to other departments or services of the institution.
31 Inspection performed pursuant to this subsection shall be consistent with the provisions of
32 section 197.100, RSMo.

33 **3. "Electronic record keeping system", as used in this section, shall mean a system,**
34 **including machines, methods of organization, and procedures, that provides input, storage,**
35 **processing, communications, output, and control functions for digitized images of original**
36 **prescriptions.**

473.739. 1. Each public administrator in counties of the first classification without a
2 charter form of government who does not receive at least twenty-five thousand dollars in fees
3 as otherwise allowed by law shall receive annual compensation of four thousand dollars and each
4 such public administrator who does not receive at least forty-five thousand dollars in fees may
5 request the county salary commission for an increase in annual compensation and the county

6 salary commission may authorize an additional increase in annual compensation not to exceed
 7 ten thousand dollars.

8 2. Two thousand dollars of the compensation authorized in this section shall be payable
 9 to the public administrator only if he **or she** has completed at least twenty hours of [classroom]
 10 instruction each calendar year relating to the operations of the public administrator's office when
 11 approved by a professional association of the county public administrators of Missouri unless
 12 exempted from the training by the professional association. The professional association
 13 approving the program shall provide a certificate of completion to each public administrator who
 14 completes the training program and shall send a list of certified public administrators to the
 15 treasurer of each county. Expenses incurred for attending the training session shall be
 16 reimbursed to the county public administrator in the same manner as other expenses as may be
 17 appropriated for that purpose.

 473.742. 1. Each public administrator in counties of the second, third or fourth
 2 classification and in the city of St. Louis shall make a determination within thirty days after
 3 taking office whether such public administrator shall elect to receive a salary as defined herein
 4 or receive fees as may be allowed by law to executors, administrators and personal
 5 representatives. The election by the public administrator shall be made in writing to the county
 6 clerk. Should the public administrator elect to receive a salary, the public administrator's office
 7 may not then elect to change at any future time to receive fees in lieu of salary.

8 2. If a public administrator elects to be placed on salary, the salary shall be based upon
 9 the average number of open letters in the two years preceding the term when the salary is elected,
 10 based upon the following schedule:

11 (1) Zero to five letters: Salary shall be a minimum of seven thousand five hundred
 12 dollars;

13 (2) Six to fifteen letters: Salary shall be a minimum of fifteen thousand dollars;

14 (3) Sixteen to twenty-five letters: Salary shall be a minimum of twenty thousand dollars;

15 (4) Twenty-six to thirty-nine letters: Salary shall be a minimum of twenty-five thousand
 16 dollars;

17 (5) Public administrators with forty or more letters shall be considered full-time county
 18 officials and shall be paid according to the assessed valuation schedule set forth below:

19 Assessed valuation	Salary
20 \$8,000,000 to 40,999,999	\$29,000
21 \$41,000,000 to 53,999,999	\$30,000
22 \$54,000,000 to 65,999,999	\$32,000
23 \$66,000,000 to 85,999,999	\$34,000

24	\$86,000,000 to 99,999,999	\$36,000
25	\$100,000,000 to 130,999,999	\$38,000
26	\$131,000,000 to 159,999,999	\$40,000
27	\$160,000,000 to 189,999,999	\$41,000
28	\$190,000,000 to 249,999,999	\$41,500
29	\$250,000,000 to 299,999,999	\$43,000
30	\$300,000,000 to 449,999,999	\$45,000
31	\$450,000,000 to 599,999,999	\$47,000
32	\$600,000,000 to 749,999,999	\$49,000
33	\$750,000,000 to 899,999,999	\$51,000
34	\$900,000,000 to 1,049,999,999	\$53,000
35	\$1,050,000,000 to 1,199,999,999	\$55,000
36	\$1,200,000,000 to 1,349,999,999	\$57,000
37	\$1,350,000,000 and over	\$59,000;

38 (6) The public administrator in the city of St. Louis shall receive a salary not less than
39 sixty-five thousand dollars;

40 (7) **Two thousand dollars of the compensation authorized in this section shall be**
41 **payable to the public administrator only if he or she has completed at least twenty hours**
42 **of instruction each calendar year relating to the operations of the public administrator's**
43 **office when approved by a professional association of the county public administrators of**
44 **Missouri unless exempted from the training by the professional association. The**
45 **professional association approving the program shall provide a certificate of completion**
46 **to each public administrator who completes the training program and shall send a list of**
47 **certified public administrators to the treasurer of each county. Expenses incurred for**
48 **attending the training session shall be reimbursed to the county public administrator in the**
49 **same manner as other expenses as may be appropriated for that purpose.**

50 3. The initial compensation of the public administrator who elects to be put on salary
51 shall be determined by the average number of letters for the two years preceding the term when
52 the salary is elected. Salary increases or decreases according to the minimum schedule set forth
53 in subsection 1 of this section shall be adjusted only after the number of open letters places the
54 workload in a different subdivision for two consecutive years. Minimum salary increases or
55 decreases shall only take effect upon a new term of office of the public administrator. The
56 number of letters each year shall be determined in accordance with the reporting requirements
57 set forth in law.

58 4. All fees collected by a public administrator who elects to be salaried shall be deposited
59 in the county treasury or with the treasurer for the city of St. Louis.

60 5. Any public administrator in a county of the first classification without a charter form
61 of government with a population of less than one hundred thousand inhabitants who elects to
62 receive fees in lieu of a salary pursuant to this section may elect to join the Missouri local
63 government employees' retirement system created pursuant to sections 70.600 to 70.755, RSMo.

537.620. Notwithstanding any direct or implied prohibitions in chapter 375, RSMo, 377,
2 RSMo, or 379, RSMo, any three or more political subdivisions of this state may form a business
3 entity for the purpose of providing liability and all other insurance, including insurance for
4 elderly or low-income housing in which the political subdivision has an insurable interest, for
5 any of the subdivisions upon the assessment plan as provided in sections 537.600 to 537.650.
6 Any public governmental body or quasi-public governmental body, as defined in section
7 610.010, RSMo, and any political subdivision of this state or any other state may join this entity
8 and use public funds to pay any necessary assessments. Except for being subject to the
9 regulation of the director of the department of insurance, financial institutions and professional
10 registration under sections 375.930 to 375.948, RSMo, sections 375.1000 to 375.1018, RSMo,
11 and sections 537.600 to 537.650, any such business entity shall not be deemed to be an insurance
12 company or insurer under the laws of this state, and the coverage provided by such entity and the
13 administration of such entity shall not be deemed to constitute the transaction of an insurance
14 business. **Risk coverages procured under this section shall not be deemed to constitute a**
15 **contract, purchase, or expenditure of public funds for which a public governmental body,**
16 **quasi-public governmental body, or political subdivision is required to solicit competitive**
17 **bids.**

542.261. As used in sections 542.261 to 542.296 and section 542.301, the term "peace
2 officer" means a police officer, member of the highway patrol [or water patrol] to the extent
3 otherwise permitted by law to conduct searches, sheriff or deputy sheriff.

544.157. 1. Any law enforcement officer certified pursuant to chapter 590, RSMo, of
2 any political subdivision of this state, any authorized agent of the department of conservation,
3 any commissioned member of the Missouri capitol police[,] **and** any commissioned member of
4 the Missouri state park rangers [and any authorized agent of the Missouri state water patrol] in
5 fresh pursuit of a person who is reasonably believed by such officer to have committed a felony
6 in this state or who has committed, or attempted to commit, in the presence of such officer or
7 agent, any criminal offense or violation of a municipal or county ordinance, or for whom such
8 officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold
9 in custody such person anywhere in this state. Fresh pursuit may only be initiated from within

10 the pursuing peace officer's, conservation agent's, capitol police officer's[,] or state park ranger's
11 [or water patrol officer's] jurisdiction and shall be terminated once the pursuing peace officer is
12 outside of such officer's jurisdiction and has lost contact with the person being pursued. If the
13 offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been
14 apprehended in the municipality or county in which the offense occurred.

15 2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall
16 be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic
17 ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense;
18 if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court
19 with original criminal jurisdiction in the county wherein such arrest was made or before a
20 municipal judge thereof having original jurisdiction to try such offense, who may release the
21 person as provided in section 544.455, conditioned upon such person's appearance before the
22 court having jurisdiction to try the offense. The person so arrested need not be taken before a
23 judge as herein set out if given a summons by the arresting officer.

24 3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as
25 defined by the common law and also the pursuit of a person who has committed a felony or is
26 reasonably suspected of having committed a felony in this state, or who has committed or
27 attempted to commit in this state a criminal offense or violation of municipal or county ordinance
28 in the presence of the arresting officer referred to in subsection 1 of this section or for whom
29 such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of
30 a person suspected of having committed a supposed felony in this state, though no felony has
31 actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used
32 herein shall imply instant pursuit.

33 4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe
34 conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum
35 standards:

36 (1) There shall be supervisory control of the pursuit;

37 (2) There shall be procedures for designating the primary pursuit vehicle and for
38 determining the total number of vehicles to be permitted to participate at one time in the pursuit;

39 (3) There shall be procedures for coordinating operation with other jurisdictions; and

40 (4) There shall be guidelines for determining when the interests of public safety and
41 effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be
42 initiated or should be terminated.

566.135. 1. [Pursuant to a motion filed by the prosecuting attorney or circuit attorney
2 with notice given to the defense attorney and for good cause shown,] In any criminal case in

3 which a defendant has been charged by the prosecuting attorney's office or circuit attorney's
 4 office with any offense under this chapter or pursuant to section 575.150, 567.020, 565.050,
 5 565.060, 565.070, 565.072, 565.073, 565.074, 565.075, 565.081, 565.082, 565.083, 568.045,
 6 568.050, or 568.060, RSMo, or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of
 7 section 191.677, RSMo, **the prosecuting or circuit attorney shall upon the request of the**
 8 **victim, with notice given to the defense attorney, or upon his or her own initiative, with**
 9 **notice given to the defense attorney and for good cause shown, file a motion for court-**
 10 **ordered testing of the defendant for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and**
 11 **chlamydia and any follow-up testing determined to be medically necessary. If the court**
 12 **[may] finds that the victim requested the testing or that good cause is shown the court may**
 13 order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing
 14 for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia **and that the testing occur**
 15 **within forty-eight hours of the date on which the defendant was charged. Pursuant to this**
 16 **same motion the court may also order any follow-up testing that is requested and**
 17 **determined to be medically necessary.** The results of the defendant's HIV, hepatitis B,
 18 hepatitis C, syphilis, gonorrhea, and chlamydia tests **and the results of any follow-up testing**
 19 shall be released to the victim and his or her parent or legal guardian if the victim is a minor **as**
 20 **soon as practicable.** The results of the defendant's HIV, hepatitis B, hepatitis C, syphilis,
 21 gonorrhea, and chlamydia tests **and the results of any follow-up testing** shall also be released
 22 to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion
 23 to obtain said testing **and follow-up testing**, the court's order of the same, and the test results
 24 **and follow-up test results** shall be sealed in the court file.

25 2. **All charges for such sexually transmitted disease testing and follow-up testing**
 26 **by the state-, city-, or county-operated HIV clinic shall be billed to and paid by the**
 27 **department of public safety out of appropriations made for that purpose.**

28 3. As used in this section, "HIV" means the human immunodeficiency virus that causes
 29 acquired immunodeficiency syndrome.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
 2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
 4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
 7 or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the
 8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) [Possesses or discharges a firearm or projectile weapon while intoxicated] **Handles**
12 **or otherwise uses a firearm or projectile weapon in either a negligent or unlawful manner**
13 **while intoxicated;** or

14 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
15 courthouse, or church building; or

16 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
17 across a public highway or discharges or shoots a firearm into any outbuilding; or

18 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
19 or place where people have assembled for worship, or into any election precinct on any election
20 day, or into any building owned or occupied by any agency of the federal government, state
21 government, or political subdivision thereof; or

22 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
23 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or
24 at any building or habitable structure, unless the person was lawfully acting in self-defense; or

25 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
26 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
27 sponsored or sanctioned by school officials or the district school board.

28 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall
29 not apply to or affect any of the following:

30 (1) All state, county and municipal peace officers who have completed the training
31 required by the police officer standards and training commission pursuant to sections 590.030
32 to 590.050, RSMo, and possessing the duty and power of arrest for violation of the general
33 criminal laws of the state or for violation of ordinances of counties or municipalities of the state,
34 whether such officers are on or off duty, and whether such officers are within or outside of the
35 law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in
36 subsection 10 of this section, and who carry the identification defined in subsection 11 of this
37 section, or any person summoned by such officers to assist in making arrests or preserving the
38 peace while actually engaged in assisting such officer;

39 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
40 institutions for the detention of persons accused or convicted of crime;

41 (3) Members of the armed forces or national guard while performing their official duty;

42 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
43 judicial power of the state and those persons vested by Article III of the Constitution of the
44 United States with the judicial power of the United States, the members of the federal judiciary;

45 (5) Any person whose bona fide duty is to execute process, civil or criminal;

46 (6) Any federal probation officer or federal flight deck officer as defined under the
47 federal flight deck officer program, 49 U.S.C. Section 44921;

48 (7) Any state probation or parole officer, including supervisors and members of the
49 board of probation and parole;

50 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
51 of the regulations established by the board of police commissioners under section 84.340, RSMo;
52 and

53 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner.

54 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
55 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
56 ammunition is not readily accessible or when such weapons are not readily accessible.
57 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
58 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,
59 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also
60 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in
61 his or her dwelling unit or upon premises over which the actor has possession, authority or
62 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)
63 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by
64 a person while traversing school premises for the purposes of transporting a student to or from
65 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
66 firearm-related event.

67 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
68 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
69 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
70 political subdivision of another state.

71 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
72 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031,
73 RSMo.

74 6. Nothing in this section shall make it unlawful for a student to actually participate in
75 school-sanctioned gun safety courses, student military or ROTC courses, or other
76 school-sponsored firearm-related events, provided the student does not carry a firearm or other

77 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises
78 of any other function or activity sponsored or sanctioned by school officials or the district school
79 board.

80 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
81 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
82 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
83 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
84 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
85 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
86 a class A felony.

87 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
88 follows:

89 (1) For the first violation a person shall be sentenced to the maximum authorized term
90 of imprisonment for a class B felony;

91 (2) For any violation by a prior offender as defined in section 558.016, RSMo, a person
92 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
93 the possibility of parole, probation or conditional release for a term of ten years;

94 (3) For any violation by a persistent offender as defined in section 558.016, RSMo, a
95 person shall be sentenced to the maximum authorized term of imprisonment for a class B felony
96 without the possibility of parole, probation, or conditional release;

97 (4) For any violation which results in injury or death to another person, a person shall
98 be sentenced to an authorized disposition for a class A felony.

99 9. Any person knowingly aiding or abetting any other person in the violation of
100 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
101 prescribed by this section for violations by other persons.

102 10. As used in this section "qualified retired peace officer" means an individual who:

103 (1) Retired in good standing from service with a public agency as a peace officer, other
104 than for reasons of mental instability;

105 (2) Before such retirement, was authorized by law to engage in or supervise the
106 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any
107 violation of law, and had statutory powers of arrest;

108 (3) Before such retirement, was regularly employed as a peace officer for an aggregate
109 of fifteen years or more, or retired from service with such agency, after completing any
110 applicable probationary period of such service, due to a service-connected disability, as
111 determined by such agency;

112 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such
113 a plan is available;

114 (5) During the most recent twelve-month period, has met, at the expense of the
115 individual, the standards for training and qualification for active peace officers to carry firearms;

116 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or
117 substance; and

118 (7) Is not prohibited by federal law from receiving a firearm.

119 11. The identification required by subdivision (1) of subsection 2 of this section is:

120 (1) A photographic identification issued by the agency from which the individual retired
121 from service as a peace officer that indicates that the individual has, not less recently than one
122 year before the date the individual is carrying the concealed firearm, been tested or otherwise
123 found by the agency to meet the standards established by the agency for training and qualification
124 for active peace officers to carry a firearm of the same type as the concealed firearm; or

125 (2) A photographic identification issued by the agency from which the individual retired
126 from service as a peace officer; and

127 (3) A certification issued by the state in which the individual resides that indicates that
128 the individual has, not less recently than one year before the date the individual is carrying the
129 concealed firearm, been tested or otherwise found by the state to meet the standards established
130 by the state for training and qualification for active peace officers to carry a firearm of the same
131 type as the concealed firearm.

577.090. Any law enforcement officer shall and any agent of the conservation
2 commission or deputy or **member of the highway patrol**, water patrol [officer] **division**, may
3 enforce the provisions of sections 577.070 and 577.080 and arrest violators thereof; except that
4 conservation agents [and water patrolmen] may enforce such provisions only upon the water, the
5 banks thereof or upon public land.

578.275. 1. This section shall be known and may be cited as "Susie's Law".

2. For purposes of this section, the following terms shall mean:

(1) "Child", any person less than eighteen years of age;

**(2) "Machinery or heavy equipment not manufactured for passengers", any
5 machinery or heavy equipment which is not equipped, as standard equipment on such
6 machinery or heavy equipment, with a seat for passengers, including but not limited to any
7 machinery or heavy equipment which performs a specific construction or demolition
8 function, lawn mowers, skid steers, and bulldozers. However, machinery or heavy
9 equipment not manufactured for passengers shall not include farm machinery, as defined
10 in section 32.085.**

11 **3. No child shall be a passenger on any machinery or heavy equipment not**
12 **manufactured for passengers.**

13 **4. Any operator of any machinery or heavy equipment not manufactured for**
14 **passengers who violates the provisions of this section shall be subject to a fine of one**
15 **hundred dollars for the first violation of this section, and five hundred dollars for any**
16 **second or subsequent violation of this section.**

650.005. 1. There is hereby created a "Department of Public Safety" in charge of a
2 director appointed by the governor with the advice and consent of the senate. The department's
3 role will be to provide overall coordination in the state's public safety and law enforcement
4 program, to provide channels of coordination with local and federal agencies in regard to public
5 safety, law enforcement and with all correctional and judicial agencies in regard to matters
6 pertaining to its responsibilities as they may interrelate with the other agencies or offices of state,
7 local or federal governments.

8 2. All the powers, duties and functions of the state highway patrol, chapter 43, RSMo,
9 and others, are transferred by type II transfer to the department of public safety. The governor
10 by and with the advice and consent of the senate shall appoint the superintendent of the patrol.
11 With the exception of sections 43.100 to 43.120, RSMo, relating to financial procedures, the
12 director of public safety shall succeed the state highways and transportation commission in
13 approving actions of the superintendent and related matters as provided in chapter 43, RSMo.
14 Uniformed members of the patrol shall be selected in the manner provided by law and shall
15 receive the compensation provided by law. Nothing in the Reorganization Act of 1974, however,
16 shall be interpreted to affect the funding of appropriations or the operation of chapter 104,
17 RSMo, relating to retirement system coverage or section 226.160, RSMo, relating to workers'
18 compensation for members of the patrol.

19 3. All the powers, duties and functions of the supervisor of liquor control, chapter 311,
20 RSMo, and others, are transferred by type II transfer to the department of public safety. The
21 supervisor shall be nominated by the department director and appointed by the governor with the
22 advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies
23 and inspectors as limited by appropriations. All employees shall have the qualifications provided
24 by law and may be removed by the supervisor or director of the department as provided in
25 section 311.670, RSMo.

26 4. The director of public safety, superintendent of the highway patrol and transportation
27 division of the department of economic development are to examine the motor carrier inspection
28 laws and practices in Missouri to determine how best to enforce the laws with a minimum of
29 duplication, harassment of carriers and to improve the effectiveness of supervision of weight and

30 safety requirements and to report to the governor and general assembly by January 1, 1975, on
31 their findings and on any actions taken.

32 5. The Missouri division of highway safety is transferred by type I transfer to the
33 department of public safety. The division shall be in charge of a director who shall be appointed
34 by the director of the department.

35 6. All the powers, duties and functions of the safety and fire prevention bureau of the
36 department of public health and welfare are transferred by type I transfer to the director of public
37 safety.

38 7. All the powers, duties and functions of the state fire marshal, chapter 320, RSMo, and
39 others, are transferred to the department of public safety by a type I transfer.

40 8. All the powers, duties and functions of the law enforcement assistance council
41 administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and
42 related acts of Congress are transferred by type I transfer to the director of public safety. The
43 director of public safety shall appoint such advisory bodies as are required by federal laws or
44 regulations. The council is abolished.

45 9. The director of public safety shall promulgate motor vehicle regulations and be ex
46 officio a member of the safety compact commission in place of the director of revenue and all
47 powers, duties and functions relating to chapter 307, RSMo, are transferred by type I transfer to
48 the director of public safety.

49 10. The office of adjutant general and the state militia are assigned to the department of
50 public safety; provided, however, nothing herein shall be construed to interfere with the powers
51 and duties of the governor as provided in article IV, section 6 of the Constitution of the state of
52 Missouri or chapter 41, RSMo.

53 11. All the powers, duties and functions of the Missouri boat commission, chapter 306,
54 RSMo, and others, are transferred by type I transfer to the "Missouri State Water Patrol", which
55 is hereby created, in the department of public safety. The Missouri boat commission and the
56 office of secretary to the commission are abolished. [The Missouri state water patrol shall be
57 headed by a boat commissioner who shall be appointed by the governor, with the advice and
58 consent of the senate.] All deputy boat commissioners and all other employees of the
59 commission who were employed on February 1, 1974, shall be transferred to the water patrol
60 without further qualification. **Effective January 1, 2011, all the powers, duties and functions**
61 **of the Missouri state water patrol are transferred to the division of water patrol within the**
62 **Missouri state highway patrol as set out in section 43.390.**

63 12. The division of veterans affairs, chapter 42, RSMo, is assigned to the office of
64 adjutant general. The adjutant general, with the advice of the veterans' board, shall appoint the
65 director of the division of veterans affairs who shall serve at the pleasure of the adjutant general.

66 13. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
67 is created under the authority delegated in this section shall become effective only if it complies
68 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
69 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
70 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
71 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
72 grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be
73 invalid and void.

 650.350. 1. There is hereby created within the department of public safety the "Missouri
2 Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of
3 five sitting sheriffs **and one active member of the Missouri Deputy Sheriff's Association.**
4 Every two years, the Missouri Sheriffs' Association board of directors will submit twenty names
5 of sitting sheriffs to the governor. The governor shall appoint five members from the list of
6 twenty names, having no more than three from any one political party, to serve a term of two
7 years on MoSMART. **Every two years the Missouri Deputy Sheriff's Association will**
8 **submit five names of active members of the Missouri Deputy Sheriff's Association to the**
9 **governor. The governor shall appoint one member from the list of five names to serve a**
10 **term of two years on MoSMART.** The members shall elect a chair from among their
11 membership. Members shall receive no compensation for the performance of their duties
12 pursuant to this section, but each member shall be reimbursed from the MoSMART fund for
13 actual and necessary expenses incurred in carrying out duties pursuant to this section.

14 2. MoSMART shall meet no less than twice each calendar year with additional meetings
15 called by the chair upon the request of at least two members. A majority of the appointed
16 members shall constitute a quorum.

17 3. A special fund is hereby created in the state treasury to be known as the "MoSMART
18 Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law.
19 All moneys received for MoSMART from interest, state, and federal moneys shall be deposited
20 to the credit of the fund. The director of the department of public safety shall distribute at least
21 fifty percent but not more than one hundred percent of the fund annually in the form of grants
22 approved by MoSMART.

23 4. Except for money deposited into the deputy sheriff salary supplementation fund
24 created under section 57.278, RSMo, all moneys appropriated to or received by MoSMART shall

25 be deposited and credited to the MoSMART fund. The department of public safety shall only
26 be reimbursed for actual and necessary expenses for the administration of MoSMART, which
27 shall be no less than one percent and which shall not exceed two percent of all moneys
28 appropriated to the fund, except that the department shall not receive any amount of the money
29 deposited into the deputy sheriff salary supplementation fund for administrative purposes. The
30 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART
31 fund shall not lapse to general revenue at the end of the biennium.

32 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
33 is created under the authority delegated in this section shall become effective only if it complies
34 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
35 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
36 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
37 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
38 grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be
39 invalid and void.

40 6. Any county law enforcement entity or established task force with a memorandum of
41 understanding and protocol may apply for grants from the MoSMART fund on an application
42 to be developed by the department of public safety with the approval of MoSMART. All
43 applications shall be evaluated by MoSMART and approved or denied based upon the level of
44 funding designated for methamphetamine enforcement before 1997 and upon current need and
45 circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand
46 dollars per year. The department of public safety shall monitor all MoSMART grants.

47 7. MoSMART's anti-methamphetamine funding priorities are as follows:

48 (1) Sheriffs who are participating in coordinated multijurisdictional task forces and have
49 their task forces apply for funding;

50 (2) Sheriffs whose county has been designated HIDTA counties, yet have received no
51 HIDTA or narcotics assistance program funding; and

52 (3) Sheriffs without HIDTA designations or task forces, whose application justifies the
53 need for MoSMART funds to eliminate methamphetamine labs.

54 8. MoSMART shall administer the deputy sheriff salary supplementation fund as
55 provided under section 57.278, RSMo.

2 [306.161. The Missouri state water patrol is authorized to employ, within
3 the limits of appropriations and notwithstanding any other provision of law to the
4 contrary, such personnel as may be necessary to properly perform the duties of
5 the water patrol, and the water patrol shall prescribe the duties and
responsibilities of such personnel.]

2 [306.163. 1. The governor, by and with the advice and consent of the
3 senate, shall appoint a commissioner of the Missouri state water patrol to serve
4 at the pleasure of the governor. The commissioner shall take and subscribe an
5 oath of office to perform the commissioner's duties faithfully and impartially.
6 The commissioner appointed by the governor shall have at least ten years of
7 experience in law enforcement similar to the duties exercised by uniformed
8 officers of the state water patrol or at least five years of experience as a
9 uniformed officer of the state water patrol.

10 2. The commissioner shall prescribe rules for instruction and discipline
11 and make administrative rules and regulations and fix the hours of duty for the
12 members of the patrol. The commissioner shall have charge of the office of the
13 patrol, shall be custodian of the records of the patrol, and shall direct the
14 day-to-day activities of the officers, patrolmen and office personnel.

15 3. The commissioner shall be given a certificate of appointment, a copy
16 of which shall be filed with the secretary of state, granting him or her all the
17 powers of a peace officer to enforce all the laws of this state within the
18 jurisdiction of the water patrol as listed in section 306.165, provided that he has
19 completed a law enforcement training course which meets the standards
20 established in chapter 590, RSMo.

21 4. In the absence, or upon the disability, of the commissioner, or at the
22 time the commissioner designates, the lieutenant colonel shall assume the duties
23 of the commissioner. In case of the disability of the commissioner and the
24 lieutenant colonel, the governor may designate a major as acting commissioner
25 and when so designated, the acting commissioner shall have all the powers and
26 duties of the commissioner.]

2 [306.227. Patrolmen and radio personnel of the water patrol shall not be
3 less than twenty-one years of age. No person shall be appointed as commissioner
4 or as a member of the patrol or as a member of the radio personnel who:

5 (1) Has been convicted of a felony or any crime involving moral
6 turpitude, or against whom any indictment or information may then be pending
7 charging the person with having committed a crime;

8 (2) Is not of good character;

9 (3) Is not a citizen of the United States;

10 (4) At the time of appointment is not a citizen of the state of Missouri;
11 (5) Has not completed a high school program of education under chapter
12 167, RSMo, or has not obtained a General Educational Development (GED)
13 certificate, and who has not obtained advanced education and experience as
14 approved by the commissioner; or

15 (6) Does not possess ordinary physical strength, and who is not able to
16 pass the physical and mental examination that the commissioner prescribes.]

2 [306.228. 1. The commissioner may appoint from within the
3 membership not more than one assistant commissioner, two majors, nine
4 captains, nine lieutenants, and one director of radio, each of whom shall have the
5 same qualifications as the commissioner, and such additional force of sergeants,
6 corporals and patrolmen and such numbers of radio personnel as the
7 commissioner deems necessary.

8 2. In case of a national emergency the commissioner may name
9 additional patrolmen and radio personnel in a number sufficient to replace,
10 temporarily, patrolmen and radio personnel called into military services.

11 3. Applicants shall not be discriminated against because of race, creed,
12 color, national origin, religion or sex.]

2 [306.229. 1. The commissioner is authorized and empowered to
3 prescribe policies providing increases in the salaries of patrolmen and radio
4 personnel of the water patrol, subject to appropriations. Each year, prior to
5 January first, the commissioner shall submit a salary schedule report to the
6 governor, speaker of the house of representatives, and the president pro tem of
7 the senate. The salary schedule report prepared by the commissioner shall
8 include, in addition to other matters deemed pertinent to the commissioner, a
9 comparison of the salaries of police officers of three police departments that
10 employ similar numbers of patrol officers in the state. Such report shall also
11 include a full description and comparison of each department position used to
12 determine parity for all patrol positions of sergeant and above. The governor may
13 make additional recommendations to the report and forward them to the speaker
14 of the house of representatives and president pro tem of the senate. The speaker
15 of the house of representatives and the president pro tem of the senate may assign
16 the salary schedule report to the appropriate standing committees to review the
17 salary comparisons to ensure that parity, as adjusted for equivalent duties and
18 functions, in the salary of patrolmen and radio personnel of the water patrol and
19 officers of the three police departments that employ similar numbers of patrol
20 officers in the state is maintained. The commissioner of the water patrol shall
21 testify before the appropriate committee on the salary schedule report if called up
22 by such committee.

23 2. The service of a member of the patrol, who has served in the armed
24 forces of the United States and who has subsequently been reinstated as a
25 member of the patrol within ninety days after receiving a discharge other than
26 dishonorable from the armed forces of the United States, shall be considered
27 service with the patrol as a member of the patrol rendered since last becoming a
28 member prior to entrance into the armed forces of the United States; except that
29 no member shall be entitled to any credit, privilege or benefit provided by this
chapter if such reenlistment, waiver of discharge, acceptance of commission or

30 any other action with the armed forces beyond the period of service for which
31 such member was originally commissioned, enlisted, inducted or called.]
32

2 [306.230. 1. The commissioner shall prescribe rules for instruction and
3 discipline and make all administrative rules and regulations and fix the hours of
4 duty for the members of the patrol. Any rule or portion of a rule, as that term is
5 defined in section 536.010, RSMo, that is created under the authority delegated
6 in this section shall become effective only if it complies with and is subject to all
7 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
8 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
9 powers vested with the general assembly under chapter 536, RSMo, to review,
10 to delay the effective date, or to disapprove and annul a rule are subsequently
11 held unconstitutional, then the grant of rulemaking authority and any rule
12 proposed or adopted after August 28, 2007, shall be invalid and void. The
13 commissioner shall divide the state into districts and assign members of the
14 patrol to such districts in a manner deemed proper to carry out the purposes of
15 this chapter. The commissioner may call members of the patrol from one district
16 to another.

17 2. The commissioner may, by general order, establish for the
18 circumstances under which members of the patrol are promoted. The
19 commissioner shall classify and, by promotion, increase the rank of lieutenant
20 colonels, majors, captains, lieutenants, sergeants, corporals, patrolmen, and radio
21 personnel from the next lower rank after not less than one year of service
22 satisfactorily performed therein. If the commissioner finds the candidate pool to
23 fill a position through promotion is not sufficient from which to select, the
24 commissioner may promote an individual from the next lower rank.]

2 [306.232. 1. After a probation period of one year, members of the patrol
3 shall be subject to removal, reduction in rank, or suspension of more than three
4 days only for cause after a petition with a formal charge has been filed in writing
5 before or by the commissioner and upon a finding and vote by a majority of a
6 board of six patrol members after a hearing. The members of the board shall be
7 randomly selected from districts or divisions other than that of the accused. The
8 board shall be composed of six unbiased members including one nonvoting
9 captain, one lieutenant, and four members of the same rank as the accused
10 member. The randomly selected captain shall serve as presiding officer at the
11 hearing. Within thirty days after the petition is filed, unless the accused consents
12 to an extension of the time, the board shall conduct a hearing and report to the
13 commissioner the finding and vote of the majority of the board, whether the
14 charges are true, and what discipline, if any, should be imposed. All lawful rules,
regulations, and orders of the commissioner shall be obeyed by the members of

15 the patrol, who shall be subject to dismissal or one or more of the following as
16 adjudged by the commissioner:

17 (1) Suspension without pay for not more than thirty days;

18 (2) Reduction in rank; or

19 (3) Disciplinary transfer at the member's expense. Nothing in this section
20 shall be construed to prevent nondisciplinary transfers of members if the
21 commissioner determines that such transfers are for the good of the patrol. No
22 hearings shall be required in the case of reprimands or suspensions of three days
23 or less which may be imposed at the discretion of the commissioner.

24 2. If a complaint is filed against a member, the member shall be provided
25 a copy of the complaint promptly after the complaint is filed by or received by the
26 patrol. Unless the member consents in writing to an earlier time, the member
27 shall not be questioned by the patrol about the complaint or ordered to respond
28 in writing to the complaint until forty-eight hours after the member has received
29 a copy of the complaint. The member shall have a reasonable opportunity to
30 have counsel present during any questioning related to the complaint. Prior to the
31 commissioner or the patrol making an initial recommendation of discipline, the
32 member shall be entitled to a copy of any investigation reports and any other
33 written or recorded information or other evidence reviewed by the patrol which
34 relates to the complaint; and the member will be afforded an opportunity to
35 present a written response thereto.

36 3. Notwithstanding the provisions of this subsection or subsection 2 of
37 this section to the contrary, the commissioner may postpone notifying a member
38 that a complaint has been filed against him or her and may withhold the
39 complaint and part or all of the investigation report and other evidence if the
40 commissioner determines that such disclosures shall seriously interfere with the
41 investigation regarding such complaint or any other investigation being
42 conducted by the patrol or may likely jeopardize the health or safety of any
43 person. Nothing in this subsection shall be construed to limit the rights of parties
44 to discovery in civil or criminal litigation.]

45

Section B. Because immediate action is necessary to ensure efficient and proper
2 administration of government and to protect the citizens of this state from harmful substances,
3 the repeal and reenactment of sections 48.020 and 195.017 and the enactment of section 144.019
4 of section A of this act is deemed necessary for the immediate preservation of the public health,
5 welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of
6 the constitution, and the repeal and reenactment of sections 48.020 and 195.017 and the
7 enactment of section 144.019 of section A of this act shall be in full force and effect upon its
8 passage and approval.

Section C. The repeal and reenactment of sections 36.031, 43.040, 43.050, 44.020,
2 44.024, 44.045, 58.445, 301.716, 306.010, 306.165, 306.167, 306.168, 306.185, 542.261,
3 544.157, 577.090, and 650.005, the enactment of sections 43.392 and 104.810, and the repeal
4 of sections 306.161, 306.163, 306.227, 306.228, 306.229, 306.230, and 306.232 of section A of
5 this act shall become effective on January 1, 2011.

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