

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 991 & 645
95TH GENERAL ASSEMBLY

5039L.11C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 48.020, 48.030, 67.1000, 67.1360, 67.2000, 135.950, 135.953, 135.957, 135.960, 135.963, 135.967, 137.115, 144.054, 162.1000, 162.1060, 166.203, 170.250, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.101, 210.496, 215.261, 215.262, 215.263, 253.375, 260.370, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.406, 324.475, 324.478, 324.481, 331.030, 331.070, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 622.055, 622.057, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, and to enact in lieu thereof one hundred thirty-eight new sections relating to government expenditures, with an emergency clause for certain sections.

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

Section A. Sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607,
2 26.609, 26.611, 26.614, 32.250, 32.260, 48.020, 48.030, 67.1000, 67.1360, 67.2000, 135.950,
3 135.953, 135.957, 135.960, 135.963, 135.967, 137.115, 144.054, 162.1000, 162.1060, 166.203,
4 170.250, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745,

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.

5 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041,
6 199.043, 199.051, 207.023, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792,
7 208.955, 210.101, 210.496, 215.261, 215.262, 215.263, 253.375, 260.370, 260.372, 260.705,
8 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136,
9 304.028, 320.094, 320.205, 324.406, 324.475, 324.478, 324.481, 331.030, 331.070, 334.721,
10 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105,
11 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299,
12 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641,
13 620.644, 620.647, 620.650, 620.653, 622.055, 622.057, 630.910, 630.915, 632.020, 660.010, and
14 701.302, RSMo, are repealed and one hundred thirty-eight new sections enacted in lieu thereof,
15 to be known as sections 8.650, 8.900, 37.735, 37.740, 37.745, 48.020, 48.030, 67.1000, 67.1360,
16 67.2000, 67.2050, 94.271, 94.832, 135.950, 135.953, 135.957, 135.960, 135.963, 135.967,
17 135.969, 137.115, 144.019, 144.054, 144.810, 162.1000, 162.1060, 166.203, 190.176, 192.735,
18 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029,
19 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 208.175, 208.275, 208.955, 210.101,
20 210.496, 260.370, 260.372, 260.705, 260.720, 260.735, 262.217, 286.001, 286.005, 304.028,
21 320.094, 320.205, 324.406, 324.475, 324.478, 324.481, 331.030, 331.070, 334.721, 339.1100,
22 339.1105, 339.1110, 339.1115, 339.1120, 339.1125, 339.1130, 339.1135, 339.1140, 339.1145,
23 339.1150, 339.1155, 339.1160, 339.1170, 339.1175, 339.1180, 339.1185, 339.1190, 339.1200,
24 339.1205, 339.1210, 339.1215, 339.1220, 339.1230, 339.1235, 339.1240, 344.060, 361.070,
25 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105,
26 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.314, 369.329,
27 371.060, 371.090, 371.240, 386.715, 620.580, 620.582, 620.584, 620.586, 620.588, 620.590,
28 620.592, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 620.1910, 630.915, 632.020,
29 660.010, and 1, to read as follows:

8.650. 1. Deviations from the standards set forth in sections 8.620 and 8.622 may be
2 permitted where conformance to such standards is impractical and where the method, material,
3 and dimension used in lieu thereof does not create a hazard.

4 2. Permission to deviate from the standards set forth in sections 8.620 and 8.622 may be
5 granted only by the commissioner of administration after consulting with the governor's
6 [committee on employment of the handicapped] **council on disability** established in section
7 [286.200, RSMo] **37.735**. Application to deviate from the standards may be submitted by the
8 owner of the building only. Applications shall be submitted in such written forms as the
9 commissioner may require.

10 3. The commissioner shall maintain a codified listing of all applications received. The
11 listing shall indicate the action taken by the commissioner on each application.

8.900. 1. A permanent memorial for workers who were killed on the job in Missouri or who suffered an on-the-job injury that resulted in a permanent disability shall be established and located on the grounds of the state capitol. [The memorial shall be of a design selected by a competition organized by the "Workers Memorial Committee" which is hereby created. The workers memorial committee shall be composed of the members of the board of public buildings, or their designees, two members of the house of representatives, one from each political party, selected by the speaker of the house, and two members of the senate, one from each political party, selected by the president pro tem of the senate. The members of the committee shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the committee.]

2. There is hereby established in the state treasury the "Workers Memorial Fund". Gifts, grants and devises may be deposited in the workers memorial fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund shall not revert to general revenue. The state treasurer shall invest the moneys from the fund in the same manner as other state funds are invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred to the general revenue fund.

37.735. 1. The "Governor's Council on Disability" is hereby assigned to the office of administration.

2. The council shall consist of a chairperson, twenty members, and an executive director.

3. The chairperson shall be appointed by the governor with the advice and consent of the senate. The members of the council shall be appointed by the governor. Recruitment and appointment of members to the council shall provide for representation of various ethnic, age, gender, and physical and mental disability groups.

4. The funds necessary for the executive director and such other personnel as necessary shall be appropriated through the office of administration. The executive director shall serve under the supervision of the committee chairman. The executive director shall be exempted from the state merit system.

5. All members shall be appointed for four-year terms. Vacancies occurring in the membership of the council for any reason shall be filled by appointment by the governor for the unexpired term. Upon expiration of their terms, members of the council shall continue to hold office until the appointment and qualification of their successors. No person shall be appointed for more than two consecutive terms, except that a person appointed to fill a vacancy may serve for two additional successive terms. The governor may remove a member for cause.

6. Members of the council shall be chosen to meet the following criteria:

21 (1) The majority of the council shall be comprised of people with disabilities,
22 representing the various disability groups. The remaining positions shall be filled by
23 family members of people with disabilities, persons who represent other disability-related
24 groups, and other advocates. A person considered to have a disability shall meet the
25 federal definition of disability as defined by P.L. 101-336;

26 (2) The council shall include at least one member from each congressional district;

27 (3) Members of the council shall be knowledgeable about disability-related issues
28 and have demonstrated a commitment to full participation of people with disabilities in all
29 aspects of community life.

30 7. The chairperson of the council shall serve without compensation but shall be
31 reimbursed for actual and necessary travel and other expenses incurred in the
32 performance of the duties as chairperson of the council on disability. The members of the
33 council shall serve without compensation but may be reimbursed for their actual and
34 necessary expenses incurred in attending all meetings provided for by sections 37.735 to
35 37.745.

36 8. The council shall meet at least once each calendar quarter to conduct its business.
37 The executive director shall give notice to each member of the time and place of each
38 meeting of the council at least ten days before the scheduled date of the meeting, and notice
39 of any special meeting shall state the specific matters to be considered in the special
40 meeting which is not a regular quarterly meeting.

41 9. The chairperson, with the advice and consent of the council, shall appoint an
42 executive director who shall serve as a nonvoting member and executive officer of the
43 council. The executive director shall serve under the supervision of the chairperson of the
44 council. The executive director shall be a person who is knowledgeable about disability-
45 related issues and has demonstrated a commitment to full participation of people with
46 disabilities in all aspects of community life.

47 10. The director of each state department shall designate at least one employee who
48 shall act as a liaison with the council.

 37.740. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and have direct input to all
3 divisions of the office of administration on policies and practices which impact people with
4 disabilities. Input shall include policies and practices affecting personnel, purchasing,
5 design and construction of new facilities, facilities management, budget and planning and
6 general services. In the administration of its duties, the governor's council on disability in
7 cooperation with the office of administration shall offer technical assistance to help all

8 departments, divisions and branches of state government comply with applicable state and
9 federal law regarding persons with disabilities;

10 (2) Work and cooperate with other state commissions, councils or committees
11 pertaining to disabilities and other national, state and local entities to create public policies
12 and encourage system changes which eliminate barriers to people with disabilities;

13 (3) Advocate for public policies and practices which:

14 (a) Promote employment of people with disabilities;

15 (b) Expand opportunities in all aspects of life; and

16 (c) Promote awareness of and compliance with various federal, state and local laws
17 dealing with disabilities;

18 (4) Gather input from disability-related organizations and the public on disability-
19 related issues and report the results of this information in council reports to the governor;

20 (5) Accept grants, private gifts, and bequests, to be used to achieve the purposes of
21 sections 37.735 to 37.745;

22 (6) Promulgate those bylaws necessary for the efficient operation of the council;

23 (7) Prepare an annual report to be presented to the governor not later than
24 January first of each year.

37.745. The governor's council on disability may receive funds and property by gift,
2 devise, bequest or otherwise and may solicit funds to be used in carrying out the purposes
3 of sections 37.735 to 37.745.

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

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

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

18 Classification 4. All counties which have attained the second classification prior to
19 August 13, 1988, and which would otherwise return to the third classification after August 13,
20 1988, because of changes in assessed valuation shall remain a county in the second classification
21 and shall operate under the laws of this state applying to the second classification.

22 **2. The required assessed valuation for each classification under subsection 1 of this**
23 **section shall be increased annually by an amount equal to the percentage change in the**
24 **annual average of the Consumer Price Index for all urban consumers (CPI-U) or zero,**
25 **whichever is greater. The state tax commission shall calculate and publish this amount so**
26 **that it is available to all counties.**

48.030. 1. [Other than as otherwise provided for in this section, after September 28,
2 1979,] No county shall move from a lower class to a higher class or from a higher class to a
3 lower class until the assessed valuation of the county is such as to place it in the other class for
4 five successive years **and until the change has become effective as provided for in this**
5 **section.**

6 2. No second class county shall become a third class county until the assessed valuation
7 of the county is such as to place it in the third class for at least five successive years.

8 3. Notwithstanding the provisions of subsection 1 of this section, a county may become
9 a first class county at any time after the assessed valuation of the county is such as to be a first
10 class county and the governing body of the county elects to change classifications. The effective
11 date of such change of classification shall be in accordance with the provisions of this section.

12 4. Notwithstanding the provisions of subsection 1 of this section, any county of the third
13 classification without a township form of government and with more than thirty-eight thousand
14 nine hundred but fewer than thirty-nine thousand inhabitants may become a second class county
15 at any time after the assessed valuation of the county is such as to be a second class county and
16 the governing body of the county elects to change classifications. The effective date of such
17 change of classification shall be at the beginning of the county fiscal year following the election
18 by the governing body of the county.

19 5. Except as provided in subsection 4 of this section, the change from one classification
20 to another shall become effective at the beginning of the county fiscal year following the next
21 general election after the certification by the state equalizing agency for the required number of
22 successive years that the county possesses an assessed valuation placing it in another class. If
23 a general election is held between the date of the certification and the end of the current fiscal

24 year, the change of classification shall not become effective until the beginning of the county
25 fiscal year following the next succeeding general election.

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 percent
9 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.**

67.1360. 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 but fewer than four thousand inhabitants and located in more than one county;
117 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] **For purposes**
4 **of this section, the term "eligible area" shall include:**

5 (1) Any county of the first classification with more than seventy-one thousand three
6 hundred but less than seventy-one thousand four hundred inhabitants[, or] ;

7 (2) Any county of the first classification with more than one hundred ninety-eight
8 thousand but less than one hundred ninety-nine thousand two hundred inhabitants[, or] ;

9 (3) Any county of the first classification with more than eighty-five thousand nine
10 hundred but less than eighty-six thousand inhabitants[, or] ;

11 (4) Any county of the second classification with more than fifty-two thousand six
12 hundred but less than fifty-two thousand seven hundred inhabitants[, or] ;

13 (5) Any county of the first classification with more than one hundred four thousand six
14 hundred but less than one hundred four thousand seven hundred inhabitants[, or] ;

15 (6) Any county of the third classification without a township form of government and
16 with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants[,
17 or] ;

18 (7) Any county of the first classification with more than thirty-seven thousand but less
19 than thirty-seven thousand one hundred inhabitants[, or] ;

20 (8) Any county of the third classification without a township form of government and
21 with more than twenty-three thousand five hundred but less than twenty-three thousand six
22 hundred inhabitants[, or] ;

23 (9) Any county of the third classification without a township form of government and
24 with more than nineteen thousand three hundred but less than nineteen thousand four hundred
25 inhabitants[, or] ;

26 (10) Any county of the first classification with more than two hundred forty thousand
27 three hundred but less than two hundred forty thousand four hundred inhabitants[.] ; **or**

28 **(11) Any school district located within:**

29 **(a) A county of the third classification with a township form of government and**
30 **with more than eight thousand nine hundred but fewer than nine thousand inhabitants;**
31 **and**

32 **(b) A county of the third classification without a township form of government and**
33 **with more than eighteen thousand nine hundred but fewer than nineteen thousand**
34 **inhabitants; and**

35 **(c) A county of the third classification with a township form of government and**
36 **with more than eight thousand but fewer than eight thousand one hundred inhabitants;**
37 **and**

38 **(d) A county of the third classification with a township form of government and**
39 **with more than eleven thousand five hundred but fewer than eleven thousand six hundred**
40 **inhabitants.**

41 **3. Whenever not less than fifty owners of real property located within any eligible**
42 **area** desire to create an exhibition center and recreational facility district, the property owners
43 shall file a petition with the governing body of each county located within the boundaries of the
44 proposed district requesting the creation of the district. The district boundaries may include all

45 or part of the [counties] **eligible areas** described in this section, **provided that in the case of**
46 **any petition filed by property owners located within a school district described under**
47 **subdivision (11) of subsection 2 of this section, such district's boundaries shall not include**
48 **property located outside such school district's boundaries.** The petition shall contain the
49 following information:

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

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

54 (3) The name of the proposed district.

55 [3.] **4.** Upon the filing of a petition pursuant to this section, the governing body of any
56 county described in this section may, by resolution, approve the creation of a district. Any
57 resolution to establish such a district shall be adopted by the governing body of each county
58 located within the proposed district, and shall contain the following information:

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

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

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

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

64 [4.] **5.** Whenever a hearing is held as provided by this section, the governing body of
65 each county located within the proposed district shall:

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

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

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

73 [5.] **6.** Following the hearing, if the governing body of each county located within the
74 proposed district decides to establish the proposed district, it shall adopt an order to that effect;
75 if the governing body of any county located within the proposed district decides to not establish
76 the proposed district, the boundaries of the proposed district shall not include that county. The
77 order shall contain the following:

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

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

81 (3) The name of the district;

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

83 and

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

85 [6.] 7. A district established pursuant to this section may, at a general, primary, or special
86 election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of
87 one percent, for a period not to exceed twenty-five years, on all retail sales within the district,
88 which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the
89 acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition
90 center and recreational facilities. The ballot of submission shall be in substantially the following
91 form:

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

95 YES

NO

96

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

99

100 If a majority of the votes cast in the portion of any county that is part of the proposed district
101 favor the proposal, then the sales tax shall become effective in that portion of the county that is
102 part of the proposed district on the first day of the first calendar quarter immediately following
103 the election. If a majority of the votes cast in the portion of a county that is a part of the
104 proposed district oppose the proposal, then that portion of such county shall not impose the sales
105 tax authorized in this section until after the county governing body has submitted another such
106 sales tax proposal and the proposal is approved by a majority of the qualified voters voting
107 thereon. However, if a sales tax proposal is not approved, the governing body of the county shall
108 not resubmit a proposal to the voters pursuant to this section sooner than twelve months from
109 the date of the last proposal submitted pursuant to this section. If the qualified voters in two or
110 more counties that have contiguous districts approve the sales tax proposal, the districts shall
111 combine to become one district.

112 [7.] 8. There is hereby created a board of trustees to administer any district created and
113 the expenditure of revenue generated pursuant to this section consisting of four individuals to
114 represent each county approving the district, as provided in this subsection. The governing body
115 of each county located within the district, upon approval of that county's sales tax proposal, shall
116 appoint four members to the board of trustees; at least one shall be an owner of a nonlodging

117 business located within the taxing district, or their designee, at least one shall be an owner of a
118 lodging facility located within the district, or their designee, and all members shall reside in the
119 district except that one nonlodging business owner, or their designee, and one lodging facility
120 owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five
121 years of age and a resident of this state. Of the initial trustees appointed from each county, two
122 shall hold office for two years, and two shall hold office for four years. Trustees appointed after
123 expiration of the initial terms shall be appointed to a four-year term by the governing body of the
124 county the trustee represents, with the initially appointed trustee to remain in office until a
125 successor is appointed, and shall take office upon being appointed. Each trustee may be
126 reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the
127 office was originally appointed. The trustees shall not receive compensation for their services,
128 but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and
129 other officers necessary for its membership. Trustees may be removed if:

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

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

134 [8.] 9. The board of trustees shall have the following powers, authority, and privileges:

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

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

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

145 (4) To borrow money and incur indebtedness and evidence the same by certificates,
146 notes, or debentures, to issue bonds and use any one or more lawful funding methods the district
147 may obtain for its purposes at such rates of interest as the district may determine. Any bonds,
148 notes, and other obligations issued or delivered by the district may be secured by mortgage,
149 pledge, or deed of trust of any or all of the property and income of the district. Every issue of
150 such bonds, notes, or other obligations shall be payable out of property and revenues of the
151 district and may be further secured by other property of the district, which may be pledged,
152 assigned, mortgaged, or a security interest granted for such payment, without preference or

153 priority of the first bonds issued, subject to any agreement with the holders of any other bonds
154 pledging any specified property or revenues. Such bonds, notes, or other obligations shall be
155 authorized by resolution of the district board, and shall bear such date or dates, and shall mature
156 at such time or times, but not in excess of thirty years, as the resolution shall specify. Such
157 bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or
158 rates, be in such form, either coupon or registered, be issued as current interest bonds, compound
159 interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such
160 manner, be payable in such place or places, and be subject to redemption as such resolution may
161 provide, notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may
162 be sold at either public or private sale, at such interest rates, and at such price or prices as the
163 district shall determine;

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

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

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

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

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

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

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

182 [9.] **10.** There is hereby created the "Exhibition Center and Recreational Facility District
183 Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this
184 section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund
185 shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall
186 be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The
187 director of revenue shall invest moneys in the trust fund in the same manner as other funds are
188 invested. Any interest and moneys earned on such investments shall be credited to the trust fund.

189 All sales taxes collected by the director of revenue pursuant to this section on behalf of the
 190 district, less one percent for the cost of collection which shall be deposited in the state's general
 191 revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo,
 192 shall be deposited in the trust fund. The director of revenue shall keep accurate records of the
 193 amount of moneys in the trust fund which was collected in the district imposing a sales tax
 194 pursuant to this section, and the records shall be open to the inspection of the officers of each
 195 district and the general public. Not later than the tenth day of each month, the director of
 196 revenue shall distribute all moneys deposited in the trust fund during the preceding month to the
 197 district. The director of revenue may authorize refunds from the amounts in the trust fund and
 198 credited to the district for erroneous payments and overpayments made, and may redeem
 199 dishonored checks and drafts deposited to the credit of the district.

200 [10.] **11.** The sales tax authorized by this section is in addition to all other sales taxes
 201 allowed by law. Except as modified in this section, all provisions of sections 32.085 and 32.087,
 202 RSMo, apply to the sales tax imposed pursuant to this section.

203 [11.] **12.** Any sales tax imposed pursuant to this section shall not extend past the initial
 204 term approved by the voters unless an extension of the sales tax is submitted to and approved by
 205 the qualified voters in each county in the manner provided in this section. Each extension of the
 206 sales tax shall be for a period not to exceed twenty years. The ballot of submission for the
 207 extension shall be in substantially the following form:

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

211 YES NO

212

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

215

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

221 [12.] **13.** Once the sales tax authorized by this section is abolished or terminated by any
 222 means, all funds remaining in the trust fund shall be used solely for the purposes approved in the
 223 ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while
 224 the district has any financing or other obligations outstanding; provided that any new financing,

225 debt, or other obligation or any restructuring or refinancing of an existing debt or obligation
226 incurred more than ten years after voter approval of the sales tax provided in this section or more
227 than ten years after any voter-approved extension thereof shall not cause the extension of the
228 sales tax provided in this section or cause the final maturity of any financing or other obligations
229 outstanding to be extended. Any funds in the trust fund which are not needed for current
230 expenditures may be invested by the district in the securities described in subdivisions (1) to (12)
231 of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities.
232 If the district abolishes the sales tax, the district shall notify the director of revenue of the action
233 at least ninety days before the effective date of the repeal, and the director of revenue may order
234 retention in the trust fund, for a period of one year, of two percent of the amount collected after
235 receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem
236 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
237 after the effective date of abolition of the sales tax in the district, the director of revenue shall
238 remit the balance in the account to the district and close the account of the district. The director
239 of revenue shall notify the district of each instance of any amount refunded or any check
240 redeemed from receipts due the district.

241 [13.] **14.** In the event that the district is dissolved or terminated by any means, the
242 governing bodies of the counties in the district shall appoint a person to act as trustee for the
243 district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall
244 take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond
245 with sufficient security, approved by the governing bodies of the counties, to the use of the
246 dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and
247 exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
248 obligations of the district, shall pay over to the county treasurer of each county in the district and
249 take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears
250 to the total levy for the district in the previous three years or since the establishment of the
251 district, whichever time period is shorter. Upon payment to the county treasurers, the trustee
252 shall deliver to the clerk of the governing body of any county in the district all books, papers,
253 records, and deeds belonging to the dissolved district.

67.2050. 1. As used in this section, unless the context clearly indicates otherwise,
2 **the following terms mean:**

3 (1) "Facility", a location composed of real estate, buildings, fixtures, machinery,
4 **and equipment;**

5 (2) "Municipality", any county, city, incorporated town, or village of the state;

6 (3) "NAICS", the 2007 edition of the North American Industry Classification
7 **System developed under the direction and guidance of the federal Office of Management**

8 and Budget. Any NAICS sector, subsector, industry group, or industry identified in this
9 section shall include its corresponding classification in previous and subsequent federal
10 industry classification systems;

11 (4) "Technology business facility", a facility purchased, constructed, extended, or
12 improved under this section, provided that such business facility is engaged in:

13 (a) Data processing, hosting, and related services (NAICS 518210); or

14 (b) Internet publishing and broadcasting and web search portals (NAICS 519130),
15 at the business facility;

16 (5) "Technology business facility project" or "project", the purchase, construction,
17 extension, and improvement of technology business facilities, whether of the facility as a
18 whole or of any one or more of the facility's components of real estate, buildings, fixtures,
19 machinery, and equipment.

20 2. The governing body of any municipality may:

21 (1) Carry out technology business facility projects for economic development under
22 this section;

23 (2) Accept grants from the federal and state governments for technology business
24 facility project purposes, and may enter into such agreements as are not contrary to the
25 laws of this state and which may be required as a condition of grants by the federal
26 government or its agencies; and

27 (3) Receive gifts and donations from private sources to be used for technology
28 business facility project purposes.

29 3. The governing body of the municipality may enter into loan agreements, sell,
30 lease, or mortgage to private persons, partnerships, or corporations any one or more of the
31 components of a facility received, purchased, constructed, or extended by the municipality
32 for development of a technology business facility project. The loan agreement, installment
33 sale agreement, lease, or other such document shall contain such other terms as are agreed
34 upon between the municipality and the obligor, provided that such terms shall be
35 consistent with this section. When, in the judgment of the governing body of the
36 municipality, the technology business facility project will result in economic benefits to the
37 municipality, the governing body may lawfully enter into an agreement that includes
38 nominal monetary consideration to the municipality in exchange for the use of one or more
39 components of the facility.

40 4. Transactions involving the lease or rental of any components of a project under
41 this section shall be specifically exempted from the provisions of the local sales tax law as
42 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
43 144.761, and from the computation of the tax levied, assessed, or payable under the local

44 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525
45 and 144.600 to 144.745.

46 5. Leasehold interests granted and held under this section shall not be subject to
47 property taxes.

48 6. Any payments in lieu of taxes expected to be made by any lessee of the project
49 shall be applied in accordance with this section. The lessee may reimburse the municipality
50 for its actual costs of administering the plan. All amounts paid in excess of such actual
51 costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer
52 or other financial officer to each affected taxing entity in proportion to the current ad
53 valorem tax levy of each affected taxing entity.

54 7. The county assessor shall include the current assessed value of all property
55 within the affected taxing entities in the aggregate valuation of assessed property entered
56 upon the assessor's book and verified under section 137.245, and such value shall be used
57 for the purpose of the debt limitation on local government under section 26(b), article VI,
58 Constitution of Missouri.

59 8. The governing body of any municipality may sell or otherwise dispose of the
60 property, buildings, or plants acquired under this section to private persons or
61 corporations for technology business facility project purposes upon approval by the
62 governing body. The terms and method of the sale or other disposal shall be established
63 by the governing body so as to reasonably protect the economic well-being of the
64 municipality and to promote the development of technology business facility projects. A
65 private person or corporation that initially transfers property to the municipality for the
66 purposes of a technology business facility project and does not charge a purchase price to
67 the municipality shall retain the right, upon request to the municipality, to have the
68 municipality retransfer the donated property to the person or corporation at no cost.

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 rooms**
15 **paid by the transient guests of hotels and motels situated in (name of city) at a rate**
16 **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.**

94.832. 1. The governing body of any city of the third classification with more than
2 **four thousand seven hundred but fewer than four thousand eight hundred inhabitants and**
3 **located in any county of the first classification with more than one hundred eighty-four**
4 **thousand but fewer than one hundred eighty-eight thousand inhabitants may impose, by**
5 **order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests**
6 **of hotels or motels situated in the city or a portion thereof. The tax shall be up to five**
7 **percent per occupied room per night, and shall be imposed solely for the purpose of**
8 **funding tourism and infrastructure improvements. The tax authorized in this section shall**
9 **be in addition to the charge for the sleeping room and all other taxes imposed by law, and**
10 **shall be stated separately from all other charges and taxes.**

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

19 question is resubmitted under this section to the qualified voters of the city and such
20 question is approved by a majority of the qualified voters voting on the question.

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

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

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 site zone", an area of real property that:**

11 (a) **Encompasses not less than fifty acres that has been approved as a certified site**
12 **by the department;**

13 (b) **Has been found to be blighted by the governing authority; and**

14 (c) **Is located in one or more census tracts which according to the United States**
15 **Census Bureau's last decennial census has a poverty rate of fifteen percent or more, or for**
16 **which the median household income that is less than:**

17 a. **Statewide median household income; or**

18 b. **The metropolitan median household income for the metropolitan statistical area**
19 **in which the certified site zone is located;**

20 (5) **"Certified site", an area of property designated as a certified site by the**
21 **department under the certified sites program;**

22 (6) "Commencement of commercial operations" shall be deemed to occur during the first
23 taxable year for which the new business facility is first put into use by the taxpayer in the
24 enhanced business enterprise in which the taxpayer intends to use the new business facility;

25 [(5)] (7) "County average wage", the average wages in each county as determined by the
26 department for the most recently completed full calendar year. However, if the computed county
27 average wage is above the statewide average wage, the statewide average wage shall be deemed
28 the county average wage for such county for the purpose of determining eligibility. The
29 department shall publish the county average wage for each county at least annually.
30 Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in
31 conjunction with their project is relocating employees from a Missouri county with a higher
32 county average wage, such taxpayer shall obtain the endorsement of the governing body of the
33 community from which jobs are being relocated or the county average wage for their project shall
34 be the county average wage for the county from which the employees are being relocated;

35 [(6)] (8) "Department", the department of economic development;

36 [(7)] (9) "Director", the director of the department of economic development;

37 (10) **"Dormant manufacturing plant zone", an area of real property:**

38 (a) **Encompassing not less than two hundred fifty acres that, within five years of**
39 **the date of the notice of intent, was predominantly used for manufacturing or assembly**
40 **and employed not less than three thousand persons but has since ceased all activity;**

41 (b) **That has been found, by an ordinance adopted by the governing body, to be a**
42 **blighted area and designated for redevelopment; and**

43 (c) **That:**

44 a. **Is located in a census tract with, according to United States Census Bureau's**
45 **American Community Survey based on the most recent of five-year period estimated data**
46 **in which the estimate ends in either zero or five, a poverty rate of fifteen percent or more,**
47 **or the median household income is below the statewide median household income or the**
48 **metropolitan median household income for the metropolitan statistical area in which the**
49 **property is located; or**

50 b. **Involves funding provided by a federal agency of at least one million dollars to**
51 **facilitate the redevelopment of such property;**

52 [(8)] (11) "Employee", a person employed by the enhanced business enterprise that is
53 scheduled to work an average of at least one thousand hours per year, and such person at all
54 times has health insurance offered to him or her, which is partially paid for by the employer;

55 [(9)] (12) "Enhanced business enterprise", an industry or one of a cluster of industries
56 that is either:

57 (a) **Identified by the department as critical to the state's economic security and growth,**
58 **or in the case of a business enterprise located in a certified site zone, will also include data**
59 **processing, hosting, and related services (NAICS 518210) and internet publishing,**
60 **broadcasting, and web search portals (NAICS 519130); or**

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

73 [(10)] (13) "Existing business facility", any facility in this state which was employed by
74 the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately
75 prior to an expansion, acquisition, addition, or replacement;

76 [(11)] (14) "Facility", any building used as an enhanced business enterprise located
77 within an enhanced enterprise zone, including the land on which the facility is located and all
78 machinery, equipment, and other real and depreciable tangible personal property acquired for use
79 at and located at or within such facility and used in connection with the operation of such
80 facility;

81 [(12)] (15) "Facility base employment", the greater of the number of employees located
82 at the facility on the date of the notice of intent, or for the twelve-month period prior to the date
83 of the notice of intent, the average number of employees located at the facility, or in the event
84 the project facility has not been in operation for a full twelve-month period, the average number
85 of employees for the number of months the facility has been in operation prior to the date of the
86 notice of intent;

87 [(13)] (16) "Facility base payroll", the total amount of taxable wages paid by the
88 enhanced business enterprise to employees of the enhanced business enterprise located at the
89 facility in the twelve months prior to the notice of intent, not including the payroll of owners of
90 the enhanced business enterprise unless the enhanced business enterprise is participating in an
91 employee stock ownership plan. For the purposes of calculating the benefits under this program,
92 the amount of base payroll shall increase each year based on the consumer price index or other
93 comparable measure, as determined by the department;

94 [(14)] (17) "Governing authority", the body holding primary legislative authority over
95 a county or incorporated municipality;

96 [(15)] (18) "Megaproject", any manufacturing or assembling facility, approved by the
97 department for construction and operation within an enhanced enterprise zone, which satisfies
98 the following:

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

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

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

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

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

108 [(16)] **(19)** "NAICS", the [1997] **2007** edition of the North American Industry
109 Classification System as prepared by the Executive Office of the President, Office of
110 Management and Budget. Any NAICS sector, subsector, industry group or industry identified
111 in this section shall include its corresponding classification in subsequent federal industry
112 classification systems;

113 [(17)] **(20)** "New business facility", a facility that satisfies the following requirements:

114 (a) Such facility is employed by the taxpayer in the operation of an enhanced business
115 enterprise. Such facility shall not be considered a new business facility in the hands of the
116 taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person
117 or persons. If the taxpayer employs only a portion of such facility in the operation of an
118 enhanced business enterprise, and leases another portion of such facility to another person or
119 persons or does not otherwise use such other portions in the operation of an enhanced business
120 enterprise, the portion employed by the taxpayer in the operation of an enhanced business
121 enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c),
122 and (d) of this subdivision are satisfied;

123 (b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A
124 facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31,
125 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding
126 contract to transfer title to the taxpayer, or the commencement of the term of the lease to the
127 taxpayer occurs after December 31, 2004;

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

132 (d) Such facility is not a replacement business facility, as defined in subdivision [(25)]
133 **(28)** of this section;

134 [(18)] **(21)** "New business facility employee", an employee of the taxpayer in the
135 operation of a new business facility during the taxable year for which the credit allowed by
136 section 135.967 **or section 135.969** is claimed, except that truck drivers and rail and barge
137 vehicle operators and other operators of rolling stock for hire shall not constitute new business
138 facility employees;

139 [(19)] **(22)** "New business facility investment", the value of real and depreciable tangible
140 personal property, acquired by the taxpayer **or on its behalf in the case of a lease**, as part of the
141 new business facility, which is used by the taxpayer in the operation of the new business facility,
142 during the taxable year for which the credit allowed by **section 135.967 or 135.969** is claimed,

143 except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and
144 other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall
145 not constitute new business facility investments. The total value of such property during such
146 taxable year shall be:

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

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

157 [(20)] **(23)** "New job", the number of employees located at the facility that exceeds the
158 facility base employment less any decrease in the number of the employees at related facilities
159 below the related facility base employment. No job that was created prior to the date of the
160 notice of intent shall be deemed a new job;

161 [(21)] **(24)** "Notice of intent", a form developed by the department which is completed
162 by the enhanced business enterprise and submitted to the department which states the enhanced
163 business enterprise's intent to hire new jobs and request benefits under such program;

164 [(22)] **(25)** "Related facility", a facility operated by the enhanced business enterprise or
165 a related company in this state that is directly related to the operation of the project facility;

166 [(23)] **(26)** "Related facility base employment", the greater of:

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

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

172 [(24)] **(27)** "Related taxpayer":

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

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

176 (c) A corporation, partnership, trust or association controlled by an individual,
177 corporation, partnership, trust or association in control of the taxpayer. "Control of a

178 corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty
179 percent of the total combined voting power of all classes of stock entitled to vote, "control of a
180 partnership or association" shall mean ownership of at least fifty percent of the capital or profits
181 interest in such partnership or association, and "control of a trust" shall mean ownership, directly
182 or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such
183 trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code
184 of 1986, as amended;

185 [(25)] **(28)** "Replacement business facility", a facility otherwise described in subdivision
186 [(17)] **(20)** of this section, hereafter referred to in this subdivision as "new facility", which
187 replaces another facility, hereafter referred to in this subdivision as "old facility", located within
188 the state, which the taxpayer or a related taxpayer previously operated but discontinued operating
189 on or before the close of the first taxable year for which the credit allowed by this section is
190 claimed. A new facility shall be deemed to replace an old facility if the following conditions are
191 met:

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

195 (b) The old facility was employed by the taxpayer or a related taxpayer in the operation
196 of an enhanced business enterprise and the taxpayer continues the operation of the same or
197 substantially similar enhanced business enterprise at the new facility. Notwithstanding the
198 preceding provisions of this subdivision, a facility shall not be considered a replacement business
199 facility if the taxpayer's new business facility investment, as computed in subdivision [(19)] **(22)**
200 of this section, in the new facility during the tax period for which the credits allowed in section
201 135.967 **or 135.969** are claimed exceed one million dollars and if the total number of employees
202 at the new facility exceeds the total number of employees at the old facility by at least two;

203 [(26)] **(29)** "Same or substantially similar enhanced business enterprise", an enhanced
204 business enterprise in which the nature of the products produced or sold, or activities conducted,
205 are similar in character and use or are produced, sold, performed, or conducted in the same or
206 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 site zone or a dormant manufacturing plant zone may be designated as an**
44 **enhanced enterprise zone if the certified site zone or dormant manufacturing plant zone**
45 **meets the criteria set forth in subdivision (4) of section 135.950 or the dormant**
46 **manufacturing plant zone meets the criteria set forth in subdivision (10) of section 135.950.**

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

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

51 (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 site zone or a dormant manufacturing plant zone**
20 **regarding which a finding of blight has been made as provided in subdivision (1) of**
21 **subsection 1 of section 99.810, the commission created under section 99.820 may, at the sole**
22 **option of the governing authority, supplant and replace the board established in**
23 **accordance with subsection 1 of this section, and the composition and organization of such**
24 **commission shall be in accordance with section 99.820. If the governing authority elects**
25 **for such commission to serve in the capacity of the enhanced enterprise zone board instead**

26 **of the board established in accordance with subsection 1 of this section, the commission**
27 **shall fulfill the duties of the board established under subsection 6 of this section.**

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

135.960. 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. **In the alternative, any governing authority that**
10 **has made the necessary findings by ordinance to designate a certified site zone or a**
11 **dormant manufacturing plant zone as a blighted area as contemplated under subdivision**
12 **(1) of subsection 1 of section 99.820, prior to December 31, 2010, shall not be required to**
13 **conduct an additional public hearing to establish the certified site zone or the dormant**
14 **manufacturing plant zone as an enhanced enterprise zone so long as the governing**
15 **authority notified the director of such hearing, at least thirty days prior thereto. Any**
16 **governing authority that seeks to make the necessary finding to designate a certified site**
17 **zone or a dormant manufacturing plant zone as an enhanced enterprise zone after**
18 **December 31, 2010, may do so under a public hearing required under sections 99.820 and**
19 **99.825 conducted by the commission, and such public hearing shall satisfy the public**
20 **hearing requirement set forth in subsection 1 of this section so long as the governing**
21 **authority shall notify the director of such hearing at least thirty days prior 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 requirement of subsection 2 of this section to the contrary, any certified site zone or**
52 **dormant manufacturing plant zone that has been designated as a blighted redevelopment**
53 **area as contemplated under subdivision (1) of subsection 1 of section 99.820 by the**
54 **governing body or any certified site zone or dormant manufacturing plant zone that has**
55 **been otherwise designated as an enhanced enterprise zone by the governing authority**
56 **under this section shall be deemed approved and designated as an enhanced enterprise**
57 **zone without further approval of or additional action being taken by the department. Such**
58 **approval of the department of the certified site zone or dormant manufacturing plant zone**
59 **as an enhanced enterprise zone and the designation of the certified site zone or dormant**
60 **manufacturing plant zone as an enhanced enterprise zone shall be deemed effective when**
61 **the governing authority provides written notice to the department of its intent to establish**

62 **such enhanced enterprise zone and such notice is accompanied with a petition that includes**
63 **all of the information required by subsection 2 of this section.**

64 4. Each designated enhanced enterprise zone board shall report to the director on an
65 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.

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

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

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

32 occupied by an enhanced business enterprise. The two- and five-year time periods indicated for
33 speculative buildings shall not be an addition to the local abatement time period for such facility.

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

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

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

47 **8. As applicable, before the provisions of subdivision (7) of subsection 3 of section**
48 **137.115 become effective in an enhanced enterprise zone, each local political subdivision**
49 **that currently levies an ad valorem tax on tangible personal property within the**
50 **boundaries of the enhanced enterprise zone shall adopt a resolution providing that the**
51 **provisions of subdivision (7) of subsection 3 of section 137.115 shall apply to tangible**
52 **personal property in such case.**

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] **five-year** periods for subsequent expansions at the same facility.
6 **Notwithstanding the provisions of this subsection, the provisions of section 135.969 shall**
7 **govern the issuance of tax credits for a new business facility in a certified site zone or**
8 **dormant manufacturing plant zone approved and designated as an enhanced enterprise**
9 **zone, except for the amount of tax credits to be issued with respect to such certified site**
10 **zone or dormant manufacturing plant zone as provided in subsection 5 of this section.**

11 2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes
12 a new business facility in an enhanced enterprise zone and is awarded state tax credits under this
13 section may not also receive tax credits under sections 135.100 to 135.150, sections 135.200 to

14 135.286, or section 135.535, and may not simultaneously receive tax credits under sections
15 620.1875 to 620.1890, RSMo, at the same facility.

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

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

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

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

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

27 (2) [The sum calculated based upon] **An amount not to exceed the sum of the**
28 following:

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

31 (b) An additional credit of four hundred dollars for each new business facility employee
32 who is a resident of an enhanced enterprise zone] **A tax credit up to five percent of the gross**
33 **wages of each new business facility employee employed within the enhanced enterprise**
34 **zone if the average wage of the new jobs of the enhanced business enterprise exceeds the**
35 **county average wage, or if the average wage is below the county average wage, up to three**
36 **percent; and**

37 (b) **A tax credit up to one percent of new business facility investment within an**
38 **enhanced enterprise zone made during the current taxable year if the average wage of the**
39 **new jobs of the enhanced business enterprise exceeds the county average wage, or if the**
40 **average wage is below the county average wage, up to one-half percent;**

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

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

46 5. Prior to January 1, 2007, in no event shall the department authorize more than four
47 million dollars annually to be issued for all enhanced business enterprises. After December 31,
48 2006, in no event shall the department authorize more than twenty-four million dollars annually

49 to be issued for all enhanced business enterprises **including any such enhanced business**
50 **enterprises located in certified site zones or dormant manufacturing plant zones under**
51 **section 135.969.**

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

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

60 (2) The taxpayer's investment in the expansion and in the original facility prior to
61 expansion shall be determined in the manner provided in subdivision [(19)] **(22)** of section
62 135.950.

63 7. The number of new business facility employees during any taxable year shall be
64 determined by dividing by twelve the sum of the number of individuals employed on the last
65 business day of each month of such taxable year. If the new business facility is in operation for
66 less than the entire taxable year, the number of new business facility employees shall be
67 determined by dividing the sum of the number of individuals employed on the last business day
68 of each full calendar month during the portion of such taxable year during which the new
69 business facility was in operation by the number of full calendar months during such period. For
70 the purpose of computing the credit allowed by this section in the case of a facility which
71 qualifies as a new business facility under subsection 6 of this section, and in the case of a new
72 business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(20)** of
73 section 135.950, or subdivision [(25)] **(28)** of section 135.950, the number of new business
74 facility employees at such facility shall be reduced by the average number of individuals
75 employed, computed as provided in this subsection, at the facility during the taxable year
76 immediately preceding the taxable year in which such expansion, acquisition, or replacement
77 occurred and shall further be reduced by the number of individuals employed by the taxpayer or
78 related taxpayer that was subsequently transferred to the new business facility from another
79 Missouri facility and for which credits authorized in this section are not being earned, whether
80 such credits are earned because of an expansion, acquisition, relocation, or the establishment of
81 a new facility.

82 8. In the case where a new business facility employee who is a resident of an enhanced
83 enterprise zone for less than a twelve-month period is employed for less than a twelve-month

84 period, the credits allowed by paragraph (b) of subdivision (2) of subsection 4 of this section
85 shall be determined by multiplying four hundred dollars by a fraction, the numerator of which
86 is the number of calendar days during the taxpayer's tax year for which such credits are claimed,
87 in which the employee was a resident of an enhanced enterprise zone, and the denominator of
88 which is three hundred sixty-five.

89 9. For the purpose of computing the credit allowed by this section in the case of a facility
90 which qualifies as a new business facility pursuant to subsection 6 of this section, and in the case
91 of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)]
92 **(20)** of section 135.950 or subdivision [(25)] **(28)** of section 135.950, the amount of the
93 taxpayer's new business facility investment in such facility shall be reduced by the average
94 amount, computed as provided in subdivision [(19)] **(22)** of section 135.950 for new business
95 facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding
96 such expansion or replacement or at the time of acquisition. Furthermore, the amount of the
97 taxpayer's new business facility investment shall also be reduced by the amount of investment
98 employed by the taxpayer or related taxpayer which was subsequently transferred to the new
99 business facility from another Missouri facility and for which credits authorized in this section
100 are not being earned, whether such credits are earned because of an expansion, acquisition,
101 relocation, or the establishment of a new facility.

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

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

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

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

115 14. Prior to the issuance of tax credits, the department shall verify through the
116 department of revenue, or any other state department, that the tax credit applicant does not owe
117 any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent
118 fees or assessments levied by any state department and through the department of insurance,

119 financial institutions and professional registration that the applicant does not owe any delinquent
120 insurance taxes. Such delinquency shall not affect the authorization of the application for such
121 tax credits, except that the amount of credits issued shall be reduced by the applicant's tax
122 delinquency. If the department of revenue or the department of insurance, financial institutions
123 and professional registration, or any other state department, concludes that a taxpayer is
124 delinquent after June fifteenth but before July first of any year and the application of tax credits
125 to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer
126 shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions
127 to tax shall be tolled. After applying all available credits toward a tax delinquency, the
128 administering agency shall notify the appropriate department, and that department shall update
129 the amount of outstanding delinquent tax owed by the applicant. If any credits remain after
130 satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be
131 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 site
2 zone or a dormant manufacturing plant zone approved or designated as an enhanced
3 enterprise zone shall receive a tax credit each tax year for five tax years, in an amount
4 determined as set forth in this section, against the tax imposed by chapter 143, excluding
5 withholding tax imposed by sections 143.191 to 143.265. No taxpayer shall receive multiple
6 five-year periods for 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 site zone or dormant manufacturing plant
9 zone approved or designated as an enhanced enterprise zone and accepts state tax credits
10 under this section shall not also receive tax credits or other benefits for the same new jobs
11 under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, section
12 135.967, or sections 620.1875 to 620.1890 unless such benefits are determined to be
13 necessary by the department.**

**14 3. The taxpayer shall be entitled to receive the tax credit upon satisfaction of one
15 of the following criteria:**

**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 nine; and**

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

21 **4. The annual amount of tax credits to be issued for an enhanced business**
22 **enterprise located in a certified site zone or dormant manufacturing plant zone shall be**
23 **equal to the lesser of:**

24 **(1) The annual amount of projected state economic benefit for such enhanced**
25 **business enterprise, as determined by the department; or**

26 **(2) An annual amount equal to the sum of the following:**

27 **(a) A tax credit equal to seven percent of the gross wages of each new business**
28 **facility employee employed within the enhanced enterprise zone if the average wage of the**
29 **new jobs of the enhanced business enterprise exceeds the county average wage, or if the**
30 **average wage is below the county average wage, equal to four percent; and**

31 **(b) A tax credit equal to two percent of new business facility investment within an**
32 **enhanced enterprise zone if the average wage of the new jobs of the enhanced business**
33 **enterprise exceeds the county average wage, or if the average wage is below the county**
34 **average wage, equal to one percent.**

35 **5. As set forth in section 135.967, up to twenty-four million dollars of tax credits**
36 **shall be authorized annually for issuance of tax credits for all enhanced enterprise zones**
37 **including any tax credits issued with respect to certified site zones and dormant**
38 **manufacturing plant zones of which ten million shall be used exclusively for tax credits**
39 **attributable to taxpayers in accordance with this section who establish new business**
40 **facilities in a certified site zone qualified as such under subdivision (4) of section 135.950,**
41 **provided that for calendar years 2010 and 2011, the ten million dollar limitation may be**
42 **reduced to equal the balance of tax credits available under the entire program if, as of**
43 **August 28, 2010, the department has made irrevocable allocations to qualified applicants**
44 **for tax credits under section 135.967 such that the total of all available tax credit capacity**
45 **of this program is less than ten million dollars. Beginning January 1, 2011, if no such**
46 **taxpayer or taxpayers have applied for tax credits attributable to new business facilities**
47 **in a certified site zone qualified as such under subdivision (4) of section 135.950 by**
48 **November fifteenth of each calendar year for the entire ten million dollars, or such lesser**
49 **amount as computed for calendar years 2010 and 2011, any remaining tax credits for**
50 **which an application has not been made will be available for issuance for all enhanced**
51 **enterprise zones for that calendar year. If a new business facility investment in a certified**
52 **site zone qualified as such under subdivision (4) of section 135.950 qualifies the taxpayer**
53 **for tax credits under subsection 4 of this section, in excess of the available annual**
54 **authorization limit set forth in this subsection, the taxpayer may carry such excess new**
55 **business facility investment amount forward to subsequent years and such excess shall be**

56 treated as a new business facility investment for such later taxable years until the taxpayer
57 has received issuance of all tax credits authorized under this section, and, for each such
58 taxable year, the taxpayer shall receive such tax credits on a pro rata basis with other
59 applicants for the tax credits if there are other applicants.

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

63 **(1) The taxpayer's new business facility investment in the expansion during the tax**
64 **period in which the credits allowed in this section are claimed exceeds five hundred**
65 **thousand dollars and if the number of new business facility employees engaged or**
66 **maintained in employment at the expansion facility for the taxable year for which credit**
67 **is claimed equals or exceeds two, and the total number of employees at the facility after the**
68 **expansion is at least two greater than the total number of employees before the expansion;**
69 **and**

70 **(2) The taxpayer's investment in the expansion and in the original facility prior to**
71 **expansion shall be determined in the manner provided in subdivision (22) of section**
72 **135.950.**

73 **7. The number of new business facility employees during any taxable year shall be**
74 **determined by dividing by twelve the sum of the number of individuals employed on the**
75 **last business day of each month of such taxable year. If the new business facility is in**
76 **operation for less than the entire taxable year, the number of new business facility**
77 **employees shall be determined by dividing the sum of the number of individuals employed**
78 **on the last business day of each full calendar month during the portion of such taxable year**
79 **during which the new business facility was in operation by the number of full calendar**
80 **months during such period. For the purpose of computing the credit allowed by this**
81 **section in the case of a facility which qualifies as a new business facility under subsection**
82 **6 of this section, and in the case of a new business facility which satisfies the requirements**
83 **of paragraph (c) of subdivision (20) or (28) of section 135.950, the number of new business**
84 **facility employees at such facility shall be reduced by the average number of individuals**
85 **employed, computed as provided in this subsection, at the facility during the taxable year**
86 **immediately preceding the taxable year in which such expansion, acquisition, or**
87 **replacement occurred and shall further be reduced by the number of individuals employed**
88 **by the taxpayer or related taxpayer that was subsequently transferred to the new business**
89 **facility from another Missouri facility and for which credits authorized in this section are**

90 not being earned, whether such credits are earned because of an expansion, acquisition,
91 relocation, or the establishment of a new facility.

92 **8. For the purpose of computing the credit allowed by this section in the case of a**
93 **facility which qualifies as a new business facility under subsection 6 of this section, and in**
94 **the case of a new business facility which satisfies the requirements of paragraph (c) of**
95 **subdivision (20) or (28) of section 135.950, the amount of the taxpayer's new business**
96 **facility investment in such facility shall be reduced by the average amount, computed as**
97 **provided in subdivision (22) of section 135.950 for new business facility investment, of the**
98 **investment of the taxpayer, or related taxpayer immediately preceding such expansion or**
99 **replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new**
100 **business facility investment shall also be reduced by the amount of investment employed**
101 **by the taxpayer or related taxpayer which was subsequently transferred to the new**
102 **business facility from another Missouri facility and for which credits authorized in this**
103 **section are not being earned, whether such credits are earned because of an expansion,**
104 **acquisition, relocation, or the establishment of a new facility.**

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

108 **10. Except as allowed in subsection 5 of this section, credits may not be carried**
109 **forward but shall be claimed for the taxable year during which commencement of**
110 **commercial operations occurs at such new business facility, and for each of the nine**
111 **succeeding taxable years for which the credit is issued.**

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

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

120 **13. Prior to the issuance of tax credits, the department shall verify through the**
121 **department of revenue, or any other state department, that the tax credit applicant does**
122 **not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or**
123 **any delinquent fees or assessments levied by any state department and through the**
124 **department of insurance, financial institutions and professional registration that the**

125 **applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect**
126 **the authorization of the application for such tax credits, except that the amount of credits**
127 **issued shall be reduced by the applicant's tax delinquency. If the department of revenue**
128 **or the department of insurance, financial institutions and professional registration, or any**
129 **other state department, concludes that a taxpayer is delinquent after June fifteenth but**
130 **before July first of any year and the application of tax credits to such delinquency causes**
131 **a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty**
132 **days to satisfy the deficiency in which interest, penalties, and additions to tax shall be**
133 **tolled. After applying all available credits toward a tax delinquency, the administering**
134 **agency shall notify the appropriate department, and that department shall update the**
135 **amount of outstanding delinquent tax owed by the applicant. If any credits remain after**
136 **satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits**
137 **shall be issued to the applicant, subject to the restrictions of other provisions of law.**

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; **and**

76 **(7) In any county of the first classification with more than one hundred thirty-five**
77 **thousand four hundred but fewer than one hundred thirty-five thousand five hundred**
78 **inhabitants, tools, telecommunications equipment, power production and transmission**
79 **machinery and equipment, data processing machinery and equipment, and other**
80 **machinery and equipment that is used in an enhanced enterprise zone designated as such**
81 **a zone for a certified site zone as defined in subdivision (4) of section 135.950, one-half of**
82 **one percent.**

83 4. The person listing the property shall enter a true and correct statement of the property,
84 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed
85 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered
86 to the assessor.

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

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

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

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

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

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

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

116 9. The assessor of each county and each city not within a county shall use the trade-in
117 value published in the October issue of the National Automobile Dealers' Association Official
118 Used Car Guide, or its successor publication, as the recommended guide of information for
119 determining the true value of motor vehicles described in such publication. In the absence of a
120 listing for a particular motor vehicle in such publication, the assessor shall use such information
121 or publications which in the assessor's judgment will fairly estimate the true value in money of
122 the motor vehicle.

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

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

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

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

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

149 15. Any county or city not within a county in this state may, by an affirmative vote of
150 the governing body of such county, opt out of the provisions of this section and sections 137.073,
151 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general
152 assembly, second regular session and section 137.073 as modified by house committee substitute
153 for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general
154 assembly, second regular session, for the next year of the general reassessment, prior to January
155 first of any year. No county or city not within a county shall exercise this opt-out provision after
156 implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo,
157 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and
158 section 137.073 as modified by house committee substitute for senate substitute for senate
159 committee substitute for senate bill no. 960, ninety-second general assembly, second regular
160 session, in a year of general reassessment. For the purposes of applying the provisions of this
161 subsection, a political subdivision contained within two or more counties where at least one of

162 such counties has opted out and at least one of such counties has not opted out shall calculate a
163 single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general
164 assembly, second regular session. A governing body of a city not within a county or a county
165 that has opted out under the provisions of this subsection may choose to implement the
166 provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by
167 house bill no. 1150 of the ninety-first general assembly, second regular session, and section
168 137.073 as modified by house committee substitute for senate substitute for senate committee
169 substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the
170 next year of general reassessment, by an affirmative vote of the governing body prior to
171 December thirty-first of any year.

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

**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.**

144.054. 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, materials, machinery, or equipment used or consumed**
37 **in an enhanced enterprise zone designated as such a zone for a certified site zone as defined**
38 **in subdivision (4) of section 135.950.**

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.

144.810. 1. As used in this section, unless the context clearly indicates otherwise,
2 **the following terms shall mean:**

3 (1) "Commencement of commercial operations", shall be deemed to occur during
4 **the first calendar year for which the data storage center or server farm facility is first**
5 **available for use by the operating taxpayer, or first capable of being used by the operating**
6 **taxpayer, as a data storage center or server farm facility;**

- 7 (2) **"Constructing taxpayer"**, where more than one taxpayer is responsible for a
8 **project, a taxpayer responsible for the purchase or construction of the facility, as opposed**
9 **to a taxpayer responsible for the equipping and ongoing operations of the facility;**
- 10 (3) **"Data storage center" or "server farm facility" or "facility", a facility**
11 **purchased, constructed, extended, improved or operating under this section, provided that**
12 **such business facility is engaged in:**
- 13 (a) **Data processing, hosting, and related services (NAICS 518210); or**
14 (b) **Internet publishing and broadcasting and web search portals (NAICS 519130),**
15 **at the business facility;**
- 16 (4) **"Existing facility", a data storage center or server farm facility in this state as**
17 **it existed prior to August 28, 2010, as determined by the department;**
- 18 (5) **"Expanding facility" or "expanding data storage center or server farm**
19 **facility", an existing facility or replacement facility that expands its operations in this state**
20 **on or after August 28, 2010, and has net new investment related to the expansion of**
21 **operations in this state of at least one million dollars during a period of up to twelve**
22 **consecutive months. An expanding facility shall continue to be an expanding facility**
23 **regardless of a subsequent change in or addition of operating taxpayers or constructing**
24 **taxpayers;**
- 25 (6) **"Expanding facility project" or "expanding data storage center or server farm**
26 **facility project", the purchase, construction, extension, improvement equipping and**
27 **operation of an expanding facility;**
- 28 (7) **"NAICS", the 2007 edition of the North American Industry Classification**
29 **System as prepared by the Executive Office of the President, Office of Management and**
30 **Budget. Any NAICS sector, subsector, industry group or industry identified in this section**
31 **shall include its corresponding classification in previous and subsequent federal industry**
32 **classification systems;**
- 33 (8) **"New facility" or "new data storage center or server farm facility", a facility**
34 **in this state meeting the following requirements:**
- 35 (a) **The facility is acquired by, or leased to, an operating taxpayer on or after**
36 **August 28, 2010. A facility shall be deemed to have been acquired by, or leased to, an**
37 **operating taxpayer on or after August 28, 2010, if the transfer of title to an operating**
38 **taxpayer, the transfer of possession pursuant to a binding contract to transfer title to an**
39 **operating taxpayer, or the commencement of the term of the lease to an operating taxpayer**
40 **occurs on or after August 28, 2010, or, if the facility is constructed, erected or installed by**

41 or on behalf of an operating taxpayer, such construction, erection or installation is
42 commenced on or after August 28, 2010;

43 (b) If such facility was acquired by an operating taxpayer from another person or
44 persons on or after August 28, 2010, and such facility was employed prior to August 28,
45 2010, by any other person or persons in the operation of a data storage center or server
46 farm facility, the facility shall not be considered a new facility;

47 (c) Such facility is not a replacement facility, as defined in subdivision (12) of this
48 section;

49 (d) The new facility project investment is at least five million dollars during a
50 period of up to thirty-six consecutive months. Where more than one taxpayer is
51 responsible for a project, the investment requirement may be met by an operating
52 taxpayer, a constructing taxpayer or a combination of constructing taxpayers and
53 operating taxpayers; and

54 (e) A new facility shall continue to be a new facility regardless of a subsequent
55 change in or addition of operating taxpayers or constructing taxpayers;

56 (9) "New data storage center or server farm facility project" or "new facility
57 project", the purchase, construction, extension, improvement equipping and operation of
58 a new facility;

59 (10) "Operating taxpayer", where more than one taxpayer is responsible for a
60 project, a taxpayer responsible for the equipping and ongoing operations of the facility, as
61 opposed to a taxpayer responsible for the purchasing or construction of the facility;

62 (11) "Project taxpayers", each constructing taxpayer and each operating taxpayer
63 for a data storage center or server farm facility project;

64 (12) "Replacement facility" or "replacement data storage center or server farm
65 facility", a facility in this state otherwise described in subdivision (8) of this section, but
66 which replaces another facility located within the state, which the taxpayer or a related
67 taxpayer previously operated but discontinued operating within one year prior to the
68 commencement of commercial operations at the new facility;

69 (13) "Taxpayer", the purchaser of tangible personal property or a service that is
70 subject to state or local sales or use tax and from whom state or local sales or use tax is
71 owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from
72 the purchaser.

73 2. Beginning August 28, 2010, in addition to the exemptions granted under this
74 chapter, there shall also be specifically exempted from state and local sales and use taxes

75 defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections
76 144.600 to 144.761, or section 238.235:

77 (1) All electrical energy, gas, water, and other utilities including telecommunication
78 services used in a new data storage center or server farm facility;

79 (2) All machinery, equipment, and computers used in any new data storage center
80 or server farm facility; and

81 (3) All sales at retail of tangible personal property and materials for the purpose
82 of constructing, repairing, or remodeling any new data storage center or server farm
83 facility.

84 3. Any data storage center and server farm facility project seeking a tax exemption
85 under subsection 2 of this section shall submit a project plan to the department of economic
86 development, including identifying each known constructing taxpayer and each known
87 operating taxpayer for the project. The department of economic development shall
88 determine whether the project is eligible for the exemption under subsection 2 of this
89 section conditional upon subsequent verification by the department that the project meets
90 the requirement in paragraph (d) of subdivision (8) of subsection 1 of this section of at least
91 five million dollars of new facility investment over a time period not to exceed thirty-six
92 consecutive months. The department of economic development shall convey such
93 conditional approval to the department of revenue and the identified project taxpayers.
94 After a conditionally approved new facility project has met the investment amount, the
95 project taxpayers shall provide proof of such investment to the department of economic
96 development. Upon verification of such proof, the department of economic development
97 shall certify the project to the department of revenue as being eligible for the exemption
98 dating retroactively to the first day of the thirty-six month period or the first day of the
99 new investment in the event the investment is met in less than thirty-six months. The
100 department of revenue, upon receipt of adequate proof of the amount of sales taxes paid
101 since the first day of the thirty-six month period, or the first day of the new investment in
102 the event the investment is met in less than thirty-six months, shall issue a refund of sales
103 taxes paid as set forth in this section to each operating taxpayer and each constructing
104 taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing
105 exemptions under subdivisions (1), (2), and (3) of subsection 2 of this section.

106 4. Beginning August 28, 2010, in addition to the exemptions granted under this
107 chapter, there shall also be specifically exempted from state and local sales and use taxes
108 defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections
109 144.600 to 144.761, or section 238.235:

110 **(1) All electrical energy, gas, water, and other utilities including telecommunication**
111 **services used in an expanding data storage center or server farm facility which, on an**
112 **annual basis, exceeds the amount of electrical energy, gas, water, and other utilities**
113 **including telecommunication services used in the existing facility or the replaced facility**
114 **prior to the expansion. Amount shall be measured in kilowatt hours, gallons, cubic feet or**
115 **other measures applicable to a utility service as opposed to in dollars, to account for**
116 **increases in rates;**

117 **(2) All machinery, equipment, and computers used in any expanding data storage**
118 **center or server farm facility, the cost of which, on an annual basis, exceeds the average of**
119 **the previous three years' expenditures on machinery, equipment, and computers at the**
120 **existing facility or the replaced facility prior to the expansion. Existing facilities or**
121 **replaced facilities in existence for less than three years shall have the average expenditures**
122 **calculated based upon the applicable time of existence; and**

123 **(3) All sales at retail of the tangible personal property and materials for the**
124 **purpose of constructing, repairing, or remodeling any expanding data storage center or**
125 **server farm facility.**

126 **5. Any data storage center and server farm facility project seeking a tax exemption**
127 **under subsection 4 of this section shall submit an expanding project plan to the department**
128 **of economic development, including identifying each known constructing taxpayer and**
129 **each known operating taxpayer for the project. The project applicants shall also provide**
130 **proof satisfactory to the department of economic development that the facility is an**
131 **expanding facility and has net new investment related to the expansion of operations in this**
132 **state of at least one million dollars during a time period not to exceed twelve consecutive**
133 **months. Upon verification of such proof, the department of economic development shall**
134 **certify the project to the department of revenue as being eligible for the exemption. The**
135 **department of revenue shall issue a certificate of exemption to each expanding project**
136 **taxpayer for ongoing exemptions under subdivisions (1), (2) and (3) of subsection 4 of this**
137 **section.**

138 **6. The sales tax exemptions in subsections 2 and 4 of this section shall be tied to the**
139 **new or expanding facility project. A certificate of exemption in the hands of a taxpayer**
140 **that is no longer an operating or constructing taxpayer of the new or expanding facility**
141 **project shall be invalid as of the date the taxpayer was no longer an operating or**
142 **constructing taxpayer of the new or expanding facility project. New certificates of**
143 **exemption shall be issued to successor constructing taxpayers and operating taxpayers at**
144 **such new or expanding facility projects. The right to the exemption by successor taxpayers**

145 shall exist without regard to subsequent levels of investment in the new or expanding
146 facility by successor taxpayers.

147 7. The department of economic development and the department of revenue shall
148 cooperate in conducting random audits to make certain the intent of this section is
149 followed.

150 8. The department of economic development and the department of revenue shall
151 jointly prescribe such rules and regulations necessary to carry out the provisions of this
152 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
153 created under the authority delegated in this section shall become effective only if it
154 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
155 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
156 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
157 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
158 grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,
159 shall be invalid and void.

162.1000. 1. As used in this section, the following terms mean:

2 (1) "Transition", a coordinated set of activities for a student, designed within an outcome
3 oriented process, which promotes movement to integrated employment, including supported
4 employment, postsecondary education, vocational training, continuing and adult education
5 services, independent living and community participation. The coordinated set of activities shall
6 be based upon the individual student's needs, taking into account the student's preferences and
7 interests, and shall include, but not be limited to, instruction, community experiences, the
8 development of employment and other postschool adult living objectives, and when appropriate,
9 acquisition of daily living skills and functional vocational evaluation;

10 (2) "Youth with disabilities", any person who is found eligible for special education as
11 defined in federal Public Law 101-476, the Individuals with Disabilities Education Act.

12 2. The individualized education program required for each student enrolled in special
13 education shall include a statement of the needed transition services for students beginning not
14 later than age sixteen and annually thereafter, and shall include, when appropriate, a statement
15 of interagency responsibility or linkages before the student leaves the school setting.

16 3. The "Missouri Interagency Council on Transition" is hereby created within the
17 division of special education, and shall be composed of the commissioner of the department of
18 elementary and secondary education, the assistant commissioners of the division of vocational
19 rehabilitation, the division of special education, and the division of vocational and adult
20 education, the director of the department of health and senior services, the director of the division

21 of maternal, child and family health, the director of the department of mental health, the director
22 of the department of social services, the president of the Missouri planning council for
23 developmental disabilities, the chairman of the Missouri [head] **brain** injury advisory council,
24 the president of the advisory council for comprehensive psychiatric services, the president of the
25 Missouri Association for Rehabilitation Facilities, or their designees, a representative of the
26 governor's [committee on employment of persons with disabilities] **council on disability**, and
27 seven professionals and consumer representatives with no less than three parents or primary
28 consumers, to be appointed by the governor from names submitted by any interested agency or
29 organization serving individuals with disabilities. At the first meeting a chair shall be selected
30 from the members to serve a term of two years. The council shall meet at least quarterly, and at
31 such other times at the call of the chair.

32 4. The Missouri interagency council on transition shall:

33 (1) Gather and coordinate data on transition services for secondary age youth with
34 disabilities;

35 (2) Provide information, consultation, and technical assistance to state and local agencies
36 and school districts involved in the delivery of services to youth with disabilities who are in
37 transition from school to work or postsecondary transition programs;

38 (3) Assist state and local agencies and school districts in establishing interagency
39 agreements to assure the necessary transition from school to work or postsecondary training
40 programs;

41 (4) Conduct an annual statewide assessment of transition needs and postsecondary
42 school outcomes from information supplied by local education agencies and local interagency
43 transition committees;

44 (5) Assist regions and local areas in planning interagency in-service training to develop
45 and improve transition services.

46 5. Members of the Missouri interagency council on transition shall receive no
47 compensation for their services while serving on the council; however, members may receive
48 reimbursement for their actual and necessary expenses incurred in the performance of their
49 duties.

50 6. Beginning on January 1, 1995, and on or before January first of each successive year,
51 the council shall make a written report to the governor and to the general assembly of its
52 activities for the preceding fiscal year. The council's annual report shall include
53 recommendations for administrative and legislative policies and programs to enhance the
54 delivery of transition services and supports.

162.1060. 1. There is hereby established a "Metropolitan Schools Achieving Value in Transfer Corporation", which shall be a public body corporate, for the purpose of implementing an urban voluntary school transfer program within a program area which shall include a city not within a county and any school district located in whole or in part in a county with a population in excess of nine hundred thousand persons which district chooses to participate. The corporation shall be governed by a board of directors consisting of one representative from each school district that participates in the urban voluntary school transfer program selected by the governing body of each such district. The vote of each member of the board shall be weighted proportionately to the percentage of the total of transfer students who attend school in the member's district.

2. (1) The corporation's board of directors shall design and operate an urban voluntary school transfer program for all participating districts. The board shall make provision for transportation of all the students and for payment to school districts for the education of such students. Acceptance of students into the program shall be determined by policies enacted by the corporation's board of directors, provided that first preference for acceptance of students shall be granted to students currently attending a district other than the district of residence pursuant to a voluntary transfer program established pursuant to federal desegregation order, decree or agreement. All provisions of this section shall be subject to a settlement incorporated into a final judgment, provided that the financial provisions of this section shall not be superseded by such settlement.

(2) Each district, other than a metropolitan school district, participating in an urban voluntary school transfer program shall place before voters in the district a proposal to continue participation in the urban voluntary school transfer program at the April election during the sixth year of operation of the program. Unless a majority of district voters voting thereon votes to continue participation in the program, each district, other than a metropolitan school district, shall file a plan, no later than the end of the seventh year of the operation of the program, for phase-out of the district's participation in the program, and such plan shall be provided to the state board of education, the transitional school district and the board of directors of the corporation. Each such plan shall provide for elimination of transfers to the district pursuant to this section no later than the following schedule:

- (a) The ninth year of the program for grades one through three;
- (b) The tenth year of the program for grades four through six;
- (c) The eleventh year of the program for grades seven through nine; and
- (d) The twelfth year of the program for grades ten through twelve.

35 3. (1) Other provisions of law to the contrary notwithstanding, each student participating
36 in the program shall be considered an eligible pupil of the district of residence for the purpose
37 of distributing state aid, except that students attending school in a metropolitan school district
38 in a program established pursuant to this section shall be considered eligible pupils of the district
39 attended, and provided that the department shall determine the increased state aid eligibility
40 created by including pupils attending school in a program established pursuant to this section as
41 eligible pupils of the district of residence and shall distribute the full amount of such state aid
42 to the metropolitan schools achieving value in transfer corporation and shall not distribute state
43 aid on the basis of such pupils to the district of residence.

44 (2) For each student participating in the program, the corporation shall receive the total
45 of all state and federal aid that would otherwise be paid to the student's district of residence,
46 including, but not limited to, state aid provided pursuant to section 148.360, RSMo, section
47 149.015, RSMo, and sections 163.031 and 163.087, RSMo. The corporation shall pay a school
48 district that receives a nonresident student from the funds of the corporation in accordance with
49 the provisions of this section and agreements between the corporation and the participating
50 school districts.

51 4. (1) In each of the first two fiscal years, the corporation shall also receive a payment
52 of twenty-five million dollars.

53 (2) For the third year of operation and thereafter, the corporation shall receive
54 transportation state aid, for each student that participates in the program, which shall be in the
55 same amount and on the same basis as would be received by the student's district of residence
56 if the student were attending a school in the attendance zone in the student's district of residence,
57 provided that such reimbursement shall not exceed one hundred fifty-five percent of the
58 statewide average per pupil cost for transportation for the second preceding school year.

59 (3) Funds received by the corporation pursuant to this subsection may be used for any
60 purpose and need not be expended in the year received.

61 5. The corporation created herein shall have all powers of a public body corporate,
62 except that it shall have no paid employees. The corporation, by contract with any public entity,
63 school district, or private entity, may retain the services of a fiscal agent, make provisions for
64 accounting, transportation management, or other assistance that the corporation may need to
65 carry out its functions, except that no contractor or employee of any contractor acting in a
66 policy-making function shall have ever have been a contractor or employee of the voluntary
67 interdistrict coordinating council or any other program established by the federal district court;
68 except that this restriction shall not apply to transportation contractors or their employees. When
69 a school district located in whole or in part in a county with a population in excess of nine

70 hundred thousand persons ceases to participate in the urban public school transfer program, its
71 representative shall be removed from the corporation's board of directors. When none of the
72 students who reside in a school district in a city not within a county opt to participate in the
73 program, the school district's representative shall be removed from the board of directors. When
74 all of the school districts have ended their participation in the program, in accordance with this
75 subsection, the corporation's operations shall cease, and any funds of the corporation remaining
76 shall be paid to the state of Missouri to the credit of the general revenue fund, except such
77 amounts as the commissioner of education shall determine should be paid to particular school
78 districts under the regulations applicable to federal programs or returned to the federal
79 government.

80 6. All funds received by the corporation shall become funds of the corporation and paid
81 for the purposes set forth in this section and in accordance with agreements entered into between
82 the corporation and participating school districts and other entities, provided that funds received
83 for particular purposes, under federal or state categorical programs benefiting individual
84 students, shall be paid to the district or entity providing services to the students entitled to such
85 services. The proportionate share of federal and state resources generated by students with
86 disabilities, or the staff serving them, shall be paid to the district where the child is attending
87 school, unless the district of residence is required by law to provide such services to the
88 individual students, except that a special school district containing the district where the child
89 is attending school shall be paid for all unreimbursed expenses for special education services
90 provided to students with disabilities. Funds held by the corporation at the close of a fiscal year
91 may be carried over and utilized by the corporation in subsequent fiscal years for the purposes
92 set forth in this section.

93 7. The board of directors may establish regional attendance zones which map the regions
94 of a district in a city not within a county to corresponding recipient districts within the remainder
95 of the program area. In establishing the regional attendance zones, the board of directors may
96 solicit comments and suggestions from residents of the program area and may adopt one or more
97 regional attendance zones previously established in the program area pursuant to a federal court
98 desegregation order, decree or agreement.

99 [8. No later than four years following the date an urban public school transfer program
100 is begun pursuant to this section in a program area, the senate and the house of representatives
101 shall establish a "Joint Committee on Urban Voluntary School Transfer Programs", composed
102 of five members of the senate, appointed by the president pro tem of the senate, and five
103 members of the house of representatives, appointed by the speaker of the house. Not more than

104 three members appointed by the president pro tem and not more than three members appointed
105 by the speaker of the house shall be from the same political party.

106 9. The joint committee may meet as necessary and hold hearings and conduct
107 investigations as it deems advisable. No later than five years following the date an urban
108 voluntary school transfer program is begun pursuant to this section in a program area, the
109 committee shall review and monitor the status of any urban voluntary school transfer program
110 established pursuant to this section and make any recommendations the committee deems
111 necessary to the general assembly regarding such program or programs, which may include
112 proposed changes to the program and recommendations regarding the continuation of the
113 program. The members shall receive no additional compensation, other than reimbursement for
114 their actual and necessary expenses incurred in the performance of their duties. The staff of the
115 committee on legislative research, house research, and senate research shall provide necessary
116 clerical, research, fiscal and legal services to the committee, as the committee may request.

117 10. No later than nine years following the date an urban public school transfer program
118 is begun pursuant to this section in a program area, the joint committee on urban voluntary
119 school transfer programs shall be reestablished in the form specified in subsection 8 of this
120 section and pursuant to the same provisions for reimbursement of expenses and staff support as
121 specified in subsection 9 of this section. No later than ten years following the date an urban
122 voluntary school transfer program is begun pursuant to this section in a program area, the
123 committee shall review and monitor the status of any urban voluntary school transfer program
124 established pursuant to this section and make any recommendations the committee deems
125 necessary to the general assembly regarding such program or programs.]

166.203. 1. There is hereby created the "Missouri Access to Higher Education Trust",
2 which shall be a body corporate and politic. The trust shall be located within the state office of
3 administration, but shall exercise its prescribed powers, duties, and functions independently. The
4 trust shall be governed by a board of directors which shall consist of [ten] **eight** members with
5 knowledge, skill, and experience in the academic, business, or financial field appointed by the
6 governor, by and with the advice and consent of the senate. Not more than three members of the
7 board shall be, during their term of office on the board, either officials, appointees, or employees
8 of this state, except that at least one member shall be appointed from a minority group. Of the
9 remaining [seven] **five** members appointed by the governor, [one shall be appointed from a
10 nominee of the speaker of the house of representatives, one shall be appointed from a nominee
11 of the president pro tem of the senate,] one shall be a president of a public four-year college or
12 university, one shall be a president or chancellor of a public community college, one shall
13 represent the interests of Missouri independent degree-granting colleges and universities, and one

14 shall be the commissioner of higher education. Of these remaining [seven] **five** members, at
15 least one shall be a member of a minority group. Members shall be appointed for a term of three
16 years; except that, of the members first appointed, three shall be appointed for a term of one year,
17 three shall be appointed for a term of two years, and four shall be appointed for a term of three
18 years. A member shall serve until a successor is appointed and qualified, and a vacancy shall be
19 filled for the balance of the unexpired term in the same manner as the original appointment. The
20 governor shall designate one member as chairperson. The governor shall also designate one
21 member as the president and chief executive officer of the trust and one member as the vice
22 president of the trust. Members of the board, other than the president and vice president if they
23 are not otherwise employees of the state, shall receive no compensation, but shall be reimbursed
24 for their actual and necessary expenses incurred in the performance of their duties.

25 2. The board may delegate to its president, vice president, or other member such
26 functions and authority as the board considers necessary or appropriate. These functions may
27 include, but are not limited to, the oversight and supervision of employees of the trust.

28 3. A majority of the members of the board serving shall constitute a quorum for the
29 transaction of business at a meeting of the board, or the exercise of a power or function of the
30 trust, notwithstanding the existence of one or more vacancies. Voting upon action taken by the
31 board shall be conducted by majority vote of the members present at a meeting of the board, and,
32 if authorized by the bylaws of the board and when a quorum is present in person at the meeting,
33 by use of amplified telephonic equipment. The board shall meet at the call of the chair and as
34 may be provided in the bylaws of the trust. Meetings of the board may be held anywhere within
35 the state.

190.176. 1. The department shall develop and administer a uniform data collection
2 system on all ambulance runs and injured patients, pursuant to rules promulgated by the
3 department for the purpose of injury etiology, patient care outcome, injury and disease
4 prevention and research purposes. The department shall not require disclosure by hospitals of
5 data elements pursuant to this section unless those data elements are required by a federal agency
6 or were submitted to the department as of January 1, 1998, pursuant to:

- 7 (1) Departmental regulation of trauma centers; or
- 8 (2) The Missouri [head] **brain** and spinal cord injury registry established by sections
9 192.735 to 192.745, RSMo; or
- 10 (3) Abstracts of inpatient hospital data; or
- 11 (4) If such data elements are requested by a lawful subpoena or subpoena duces tecum.
- 12 2. All information and documents in any civil action, otherwise discoverable, may be

13 obtained from any person or entity providing information pursuant to the provisions of sections
14 190.001 to 190.245.

192.735. As used in sections 192.735 to 192.745, unless the context clearly indicates
2 otherwise, the following terms shall mean:

3 (1) ["Department", the department of health and senior services;

4 (2) "Head] **Brain injury**" or "traumatic [head] **brain injury**", a sudden insult or damage
5 to the brain or its coverings, not of a degenerative nature. Such insult or damage may produce
6 an altered state of consciousness and may result in a decrease of one or more of the following:
7 mental, cognitive, behavioral or physical functioning resulting in partial or total disability.
8 Cerebral vascular accidents, aneurisms and congenital deficits are specifically excluded from this
9 definition;

10 (2) **"Department", the department of health and senior services;**

11 (3) "Spinal cord injury", an injury that occurs as a result of trauma, which may involve
12 spinal vertebral fracture, and where the injured person suffers two or more of the following
13 effects either immediately or within forty-eight hours of injury:

14 (a) Effects on the sensory system including numbness, tingling or loss of sensation in the
15 body or in one or more extremities;

16 (b) Effects on the motor system including weakness or paralysis in one or more
17 extremities;

18 (c) Effects on the visceral system including bowel or bladder dysfunction or hypotension.

192.737. 1. The department of health and senior services shall establish and maintain
2 an information registry and reporting system for the purpose of data collection and needs
3 assessment of [head] **brain** and spinal cord injured persons in this state.

4 2. Reports of traumatic [head] **brain** and spinal cord injuries shall be filed with the
5 department by a treating physician or his designee within seven days of identification. The
6 attending physician of any patient with traumatic [head] **brain** or spinal cord injury who is in the
7 hospital shall provide in writing to the chief administrative officer the information required to
8 be reported by this section. The chief administrative officer of the hospital shall then have the
9 duty to submit the required reports.

10 3. Reporting forms and the manner in which the information is to be reported shall be
11 provided by the department. Such reports shall include, but shall not be limited to, the following
12 information: name, age, and residence of the injured person, the date and cause of the injury, the
13 initial diagnosis and such other information as required by the department.

192.739. 1. All reports and records made pursuant to sections 192.735 to 192.744 and
2 maintained by the department and other appropriate persons, officials and institutions pursuant

3 to sections 192.735 to 192.744 shall be confidential. Information shall not be made available to
4 any individual or institution except to:

5 (1) Appropriate staff of the department;

6 (2) Any person engaged in a bona fide research project, with the permission of the
7 director of the department, except that no information identifying the subjects of the reports or
8 the reporters shall be made available to researchers unless the department requests and receives
9 consent for such release pursuant to the provisions of this section;

10 (3) The Missouri [head] **brain** injury advisory council, except that no information
11 identifying the subjects of the reports or the reporters shall be made available to the council
12 unless consent for release is requested and received pursuant to the provisions of this section.
13 Only information pertaining to [head] **brain** injuries as defined in section 192.735 shall be
14 released to the council.

15 2. The department shall not reveal the identity of a patient, a reporting physician or
16 hospital, except that the identity of the patient may be released upon written consent of the
17 patient, parent or guardian, the identity of the physician may be released upon written consent
18 of the physician, and the identity of the hospital may be released upon written consent of the
19 hospital.

20 3. The department shall request consent for release from a patient, a reporting physician
21 or hospital only upon a showing by the applicant for such release that obtaining the identities of
22 certain patients, physicians or hospitals is necessary for his research.

23 4. The department shall at least annually compile a report of the data accumulated
24 through the reporting system established under section 192.737 and shall submit such data
25 relating to [head] **brain** injuries as defined in section 192.735 and in accordance with
26 confidentiality restrictions established pursuant to sections 192.735 to 192.744 to the director of
27 the Missouri [head] **brain** injury advisory council.

192.742. The department, in consultation with the Missouri [head] **brain** injury advisory
2 council, shall promulgate rules and regulations necessary to carry out the provisions of sections
3 192.735 to 192.744, pursuant to the provisions of section 192.006 and chapter 536, RSMo.

192.745. 1. The "Missouri [Head] **Brain** Injury Advisory Council" is hereby established
2 [as created by executive order of the governor on March 5, 1985] **in the department of health**
3 **and senior services**. [The council shall consist of twenty-five members.] The members of the
4 council that are serving on [August 13, 1986] **February 2, 2005**, shall continue [serving on the
5 following basis: the two members of the council who are members of the house of
6 representatives and appointed by the speaker of the house of representatives shall serve for the
7 remainder of their terms; the two members of the council who are members of the senate

8 appointed by the president pro tempore of the senate shall serve for the remainder of their terms;
9 and the remaining twenty-one members shall determine by lot which seven are to have a one-year
10 term, which seven are to have a two-year term, and which seven are to have a three-year term]
11 **to fulfill their current terms. Through attrition, the council shall decrease from the present**
12 **twenty-five members to fifteen members.** Thereafter, the successors to each of these
13 [twenty-one] members shall serve a three-year term and until the member's successor is
14 appointed by the governor with the advice and consent of the senate. [In addition, two members
15 who are members of the house of representatives shall be appointed by the speaker of the house
16 and two members who are members of the senate shall be appointed by the president pro tempore
17 of the senate.] The members appointed by the governor shall [represent] **include: four** people
18 with [head] **brain** injuries[,] **or** relatives of persons with [head] **brain** injuries, [proprietary
19 schools as defined in section 173.600, RSMo,] **and eleven other individuals from** professional
20 groups, health institutions, [or] **community groups, and** private industry [and state agencies
21 which administer programs regarding mental health, education, public health, public safety,
22 insurance, and Medicaid. The appointment of individuals representing state agencies shall be
23 conditioned on their continued employment with their respective agencies]. **In addition to the**
24 **fifteen council members, individuals representing state agencies with services that impact**
25 **brain injury survivors and their families shall participate on the council in an ex officio**
26 **non-voting capacity. These individuals shall be appointed by the respective agency.**

27 2. The Missouri [head] **brain** injury advisory council is assigned to the [division of
28 general services in the office of administration] **department of health and senior services.** The
29 [office of administration] **department** shall submit estimates of requirements for appropriations
30 on behalf of the council for the necessary staff and expenses to carry out the duties and
31 responsibilities assigned by the council. [Such staff shall consist of a director and other support
32 staff.]

33 3. Meetings **of the full council** shall be held at least [every ninety days] **four times a**
34 **year** or at the call of the council chairperson, who shall be elected by the council.
35 **Subcommittees may meet on an as needed basis.**

36 4. [Each member shall, subject to appropriations, be reimbursed for reasonable and
37 necessary expenses actually incurred in the performance of the member's official duties.]
38 **Members of the council shall not receive any compensation for their services, but they**
39 **shall, subject to appropriations, be reimbursed for actual and necessary expenses incurred**
40 **in the performance of their duties from funds appropriated for this purpose.**

41 5. The council shall adopt written procedures to govern its activities. [Staff and
42 consultants shall be provided for the council from appropriations requested by the commissioner
43 of the office of administration for such purpose.]

44 6. The council, **under the direction of the department**, shall make recommendations
45 to the [governor] **department director** for developing and administering a state plan to provide
46 services for [head] **brain** injured persons.

47 7. No member of the council may participate in or seek to influence a decision or vote
48 of the council if the member would be directly involved with the matter or if the member would
49 derive income from it. A violation of the prohibition contained herein shall be grounds for a
50 person to be removed as a member of the council by the [governor] **department director**.

51 8. The council shall be advisory and shall:

52 (1) Promote meetings and programs for the discussion of reducing the debilitating effects
53 of [head] **brain** injuries and disseminate information in cooperation with any other department,
54 agency or entity on the prevention, evaluation, care, treatment and rehabilitation of persons
55 affected by [head] **brain** injuries;

56 (2) Study and review current prevention, evaluation, care, treatment and rehabilitation
57 technologies and recommend appropriate preparation, training, retraining and distribution of
58 manpower and resources in the provision of services to [head-injured] **brain-injured** persons
59 through private and public residential facilities, day programs and other specialized services;

60 (3) Recommend [what] specific methods, means and procedures [should be adopted] to
61 improve and upgrade the state's service delivery system for [head-injured] **brain-injured** citizens
62 of this state;

63 (4) Participate in developing and disseminating criteria and standards which may be
64 required for future funding or licensing of facilities, day programs and other specialized services
65 for [head-injured] **brain-injured** persons in this state;

66 (5) Report annually to the [commissioner of administration, the governor, and the
67 general assembly] **department director** on its activities, and on the results of its studies and the
68 recommendations of the council.

69 9. The [office of administration] **department** may accept on behalf of the council federal
70 funds, gifts and donations from individuals, private organizations and foundations, and any other
71 funds that may become available.

199.001. As used in sections 199.001 to 199.055, the following terms mean:

2 (1) ["Division", the division of injury prevention, head injury rehabilitation and local
3 health services of the department of health and senior services;

4 (2) "Head] "**Brain injury**", includes [head] **brain injury**[,] **and** traumatic [head] **brain**
5 **injury**[, and spinal cord injury] as defined in section 192.735, RSMo;

6 (2) "**Department**", the **department of health and senior services' adult brain injury**
7 **program**;

8 (3) "Injury or trauma", any unintentional or intentional damage to the body resulting
9 from acute exposure to thermal, mechanical, electrical, or chemical energy or from the absence
10 of such essentials as heat or oxygen;

11 (4) "Rehabilitation", a comprehensive series of interventions for physical, medical,
12 cognitive and psychological disabilities designed to restore a person to his maximum functional
13 potential.

199.003. 1. [The "Division of Injury Prevention, Head Injury Rehabilitation and Local
2 Health Services" is hereby created and shall be a division of the department of health and senior
3 services.] The [division] **department** shall have the responsibility, **subject to appropriations**,
4 of ensuring that injury prevention and [head] **brain injury** rehabilitation evaluation, [case
5 management] **service coordination**, treatment, rehabilitation, and community support services
6 are accessible, wherever possible. [The division shall have and exercise supervision of division
7 rehabilitation facilities, residential programs and specialized services operated by the division
8 and oversight of facilities, programs and services funded by the division. The division may also
9 plan for prevention, treatment, rehabilitation and care, including hospice, for persons with other
10 diseases as determined by the general assembly by appropriations. The division shall also have
11 responsibilities for the support, development, and coordination of local health services.]

12 2. The powers, functions and duties of the [division] **department** shall include the
13 following:

14 (1) [Provision of funds for] **Planning and implementing**, in cooperation with the
15 Missouri [head] **brain injury** advisory council [and implementation of] , accessible programs to
16 [rehabilitate and care for] **promote rehabilitation and community reintegration of** persons
17 with [head injuries, injury prevention and research] **brain injuries**;

18 (2) Provision of technical assistance and training to community-based programs [and
19 assistance and cooperation to programs of political subdivisions designed to assist in planning
20 and implementing quality services] **assisting persons with brain injuries**;

21 (3) Assurance of [program] quality [in compliance with such appropriate standards for
22 residential facilities, day programs, and specialized programs as may be established by the
23 division] **for brain injury services funded by the department**;

24 (4) Sponsorship and encouragement of research into the causes, effects, prevention,
25 treatment and rehabilitation of injuries and appropriateness and cost and benefit effectiveness
26 of [head] **brain** injury rehabilitation, residential programs and specialized services;

27 (5) Provision of public information relating to injury prevention and [head] **brain** injury
28 treatment and rehabilitation;

29 (6) Cooperation with nonstate governmental agencies and [the] private sector [in
30 establishing, conducting, integrating and coordinating] programs and projects relating to injury
31 prevention and [head] **brain** injury treatment and rehabilitation;

32 (7) [Review and oversight of those portions of the department's annual budget which are
33 directed for injury prevention and head injury services;

34 (8) Encouragement of the utilization, support, assistance and dedication of volunteers
35 to assist persons affected by head injuries to be accepted and integrated into normal community
36 activities;

37 (9) Support, development, and coordination of local health services, which shall include
38 but shall not be limited to:

39 (a) Professional resources and staff development;

40 (b) Services assessment and coordination;

41 (c) Standards development, implementation and quality assurance;

42 (d) Provision of basic public health services in areas not served by local public health
43 agencies;

44 (e) Fiscal resources and management;

45 (f) Technical assistance; and

46 (g) Assistance with public health problems, emergencies and conditions] **Receiving**
47 **federal grants and aids for injury prevention and for persons with brain injuries and brain**
48 **injury rehabilitation under the terms of the grants and aids and administering or paying**
49 **them out. The director shall approve such applications for federal assistance administered**
50 **through the department as may be considered advisable in consultation with the Missouri**
51 **brain injury advisory council;**

52 (8) **Promulgating rules under the provisions of this section, as necessary to**
53 **prescribe policies or standards which affect charging and funding of adult brain injury**
54 **rehabilitation services. The rules applicable to each program or service operated or**
55 **funded by the department shall be available for public inspection and review at such**
56 **program or service. The rules and policies shall be compatible with and appropriate to the**
57 **program mission, population served, size, type of service, and other reasonable**
58 **classifications;**

59 (9) Promulgating reasonable rules relative to the implementation of participant
60 rights described in sections 199.001 to 199.051;

61 (10) Promulgating rules setting forth a reasonable standard means test which shall
62 be applied to all programs and services funded by the department in determining eligibility
63 for such services.

64 3. Any rule or portion of a rule, as that term is defined in section 536.010 that is
65 created under the authority delegated in this section shall become effective only if it
66 complies with and is subject to all of the provisions of chapter 536, and, if applicable,
67 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
68 vested with the general assembly pursuant to chapter 536, to review, to delay the effective
69 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
70 grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,
71 shall be invalid and void.

199.007. The Missouri [head] **brain** injury advisory council, created by section 192.745,
2 RSMo, shall act as the advisory body to the [division and the division] **department and**
3 **department** director. Any power or function of the [division] **department** requiring planning
4 activities shall be undertaken with the direct input and cooperation of the advisory council. The
5 [division] **department** shall not undertake or duplicate any activity or function of the council
6 under the provisions of section 192.745, RSMo.

199.009. 1. The [division] **department** may provide injury prevention, and [head] **brain**
2 injury evaluation, care, treatment, rehabilitation and such related services directly or through
3 contracts from private and public vendors in this state, the quality of the services being equal,
4 appropriate and consistent with professional advice in the least restrictive environment and as
5 close to an individual's home community as possible, with funds appropriated for this purpose.

6 2. If it is determined through a comprehensive evaluation that a person [is suffering from
7 a head] **has a traumatic brain** injury so as to require the coordination of provision of services,
8 including other state governmental agencies, nongovernmental and the private sector, and if such
9 person, such person's parent, if the person is a minor, or legal guardian, so requests, the [division]
10 **department** shall, within the limits of available resources and subject to relevant federal and
11 state laws, secure a comprehensive program of any necessary services for such person. Such
12 services may include, but need not be limited to, the following:

- 13 (1) Assessment and evaluation;
- 14 (2) [Case management] **Service coordination**;
- 15 (3) Counseling;
- 16 (4) Respite care;

- 17 (5) Recreation;
18 (6) Rehabilitation;
19 (7) Cognitive retraining;
20 (8) Prevocational rehabilitation;
21 (9) Residential care;
22 (10) Homemaker services;
23 (11) Day activity programs;
24 (12) Supported living;
25 (13) Referral to appropriate services;
26 (14) Transportation;
27 (15) Supported work, **if provided by the department, shall be directed toward**
28 **preparation for education or vocational achievement, independent living, and community**
29 **participation. Long-term needs shall be identified and efforts made to link participants**
30 **with appropriate resources.**

31 3. In securing the comprehensive program of services, the [division] **department** shall
32 involve the [patient] **participant**, his **or her** family or his **or her** legal guardian in decisions
33 affecting his **or her** care, rehabilitation, services or referral. The quality of the services being
34 equal, appropriate and consistent with professional advice, services shall be offered in the least
35 restrictive environment and as close to an individual's home community as possible.

36 **4. In accordance with state and federal law, no service or program operated or**
37 **funded by the department shall deny admission or other services to any person because of**
38 **the person's race, sex, creed, marital status, national origin, handicap, or age.**

199.010. The curators of the University of Missouri shall provide for the care of persons
2 needing [head] **brain** injury and other rehabilitation and further, for the treatment and
3 commitment of persons having tuberculosis subject to appropriation by the general assembly.

199.029. 1. The [division] **department** shall promulgate rules under the provisions of
2 this section and chapter 536, RSMo, as necessary to prescribe policies or standards which affect
3 charging and funding of residential care rehabilitation programs and specialized services for
4 persons with [head] **brain** injuries available to the public. The rules applicable to each facility,
5 program or service operated or funded by the [division] **department** shall be available for public
6 inspection and review at such facility, program or service. These rules shall not apply to
7 facilities, programs or services operated or provided by curators of the University of Missouri.

8 2. The rules, operating regulations and facility policies shall be compatible with and
9 appropriate to the facility or program mission, population served, size, type of service and other
10 reasonable classifications. No rule or portion of a rule promulgated under the authority of this

11 chapter shall become effective unless it has been promulgated pursuant to the provisions of
12 section 536.024, RSMo.

199.031. 1. The [division] **department** may receive federal grants and aids for injury
2 prevention and for persons with [head] **brain** injuries and [head] **brain** injury rehabilitation
3 under the terms of the grants and aids and administer or pay them out subject to the provisions
4 attached.

5 2. The director shall approve such applications for federal assistance administered
6 through the [division] **department** as may be considered advisable after consultation with the
7 Missouri [head] **brain** injury advisory council.

199.037. The director of the [division] **department** shall promulgate reasonable rules
2 relative to the implementation of patient rights described in sections 199.001 to [199.055]
3 **199.051**. These rules shall not apply to facilities, programs or services operated or provided by
4 the curators of the University of Missouri.

199.039. The director of the [division] **department** shall promulgate rules setting forth
2 a reasonable standard means test which shall be applied to all facilities, programs and services
3 operated or funded by the [division] **department** in determining the amount to be charged to
4 persons receiving services. Notwithstanding other provisions of sections 199.001 to [199.055]
5 **199.051**, the department shall accept funds from federal reimbursement, third-party
6 reimbursement, private pay or other funding sources.

199.041. 1. Any probate division of the circuit court having knowledge of the existence
2 of an estate of a patient receiving services from residential facilities or other programs operated
3 or funded by the [division] **department** shall promptly notify the director of the nature and
4 extent of the estate and the identity of the attorney of record and conservator. The director shall
5 then apply the standard means test contained in the rules of the [division] **department** to
6 determine if the estate shall be charged for services rendered by the [division] **department**.

7 2. If the director determines that the estate should be charged for the evaluation, care,
8 treatment, rehabilitation or room and board provided or funded by the [division] **department**,
9 and notifies the conservator, the conservator shall pay the charges. If the conservator fails to pay
10 for the charges, after reasonable delay, the head of the [division] **department**, residential facility
11 or day program may discharge the patient.

12 3. The decision of the director shall be final, and appeal may be made to the circuit court
13 of Cole County or the county where the person responsible for payment resides in the manner
14 provided by chapter 536, RSMo. The director shall notify the conservator and the supervising
15 court of such failure to pay for services rendered by a facility or program operated or funded by
16 the [division] **department** at least thirty days before the patient is discharged. If the conservator

17 appeals the decision of the director, the patient shall remain in the facility or program pending
18 final disposition of the appeal.

199.043. In accordance with state and federal law, no residential facility, day program
2 or specialized service operated or funded by the [division] **department** shall deny admission or
3 other services to any person because of his race, sex, creed, marital status, national origin,
4 handicap or age.

199.051. The [division] **department** may inspect any facility or program at any time if
2 a contract has been issued or an application for a contract has been filed.

208.175. 1. The "Drug Utilization Review Board" is hereby established within the
2 [division of medical services] **MO HealthNet division** and shall be composed of the following
3 health care professionals who shall be appointed by the governor [not later than October 1,
4 1992,] and whose appointment shall be subject to the advice and consent of the senate:

5 (1) Six physicians who shall include:

6 (a) Three physicians who hold the doctor of medicine degree and are active in medical
7 practice;

8 (b) Two physicians who hold the doctor of osteopathy degree and are active in medical
9 practice; and

10 (c) One physician who holds the doctor of medicine or the doctor of osteopathy degree
11 and is active in the practice of psychiatry;

12 (2) Six actively practicing pharmacists who shall include:

13 (a) Three pharmacists who hold bachelor of science degrees in pharmacy and are active
14 as retail or patient care pharmacists;

15 (b) Two pharmacists who hold advanced clinical degrees in pharmacy and are active in
16 the practice of pharmaceutical therapy and clinical pharmaceutical management; and

17 (c) One pharmacist who holds either a bachelor of science degree in pharmacy or an
18 advanced clinical degree in pharmacy and is employed by a pharmaceutical manufacturer of
19 Medicaid-approved formulary drugs; and

20 (3) One certified medical quality assurance registered nurse with an advanced degree.

21 2. The membership of the drug utilization review board shall include health care
22 professionals who have recognized knowledge and expertise in one or more of the following:

23 (1) The clinically appropriate prescribing of covered outpatient drugs;

24 (2) The clinically appropriate dispensing and monitoring of covered outpatient drugs;

25 (3) Drug use review, evaluation and intervention;

26 (4) Medical quality assurance.

27 3. A chairperson shall be elected by the board members [at their first meeting, which
28 shall take place not later than November 1, 1992]. The board shall meet at least once every
29 ninety days. A quorum of eight members, including no fewer than three physicians and three
30 pharmacists, shall be required for the board to act in its official capacity.

31 4. Members appointed pursuant to subsection 1 of this section shall serve four-year
32 terms, except that of the original members, four shall be appointed for a term of two years, four
33 shall be appointed for a term of three years and five shall be appointed for a term of four years.
34 Members may be reappointed.

35 5. The members of the drug utilization review board or any regional advisory committee
36 shall receive no compensation for their services other than reasonable expenses actually incurred
37 in the performance of their official duties.

38 6. The drug utilization review board shall, either directly or through contracts between
39 the [division of medical services] **MO HealthNet division** and accredited health care
40 educational institutions, state medical societies or state pharmacist associations or societies or
41 other appropriate organizations, provide for educational outreach programs to educate
42 practitioners on common drug therapy problems with the aim of improving prescribing and
43 dispensing practices.

44 7. The drug utilization review board shall monitor drug usage and prescribing practices
45 in the Medicaid program. The board shall conduct its activities in accordance with the
46 requirements of subsection (g) of section 4401 of the Omnibus Budget Reconciliation Act of
47 1990 (P.L. 101-508). The board shall publish an educational newsletter to Missouri Medicaid
48 providers as to its considered opinion of the proper usage of the Medicaid formulary. It shall
49 advise providers of inappropriate drug utilization when it deems it appropriate to do so.

50 **8. The drug utilization review board may provide advice on guidelines, policies, and**
51 **procedures necessary to establish and maintain the Missouri Rx plan.**

52 **9.** Office space and support personnel shall be provided by the division of medical
53 services.

54 [9.] **10.** Subject to appropriations made specifically for that purpose, up to six regional
55 advisory committees to the drug utilization review board may be appointed. Members of the
56 regional advisory committees shall be physicians and pharmacists appointed by the drug
57 utilization review board. Each such member of a regional advisory committee shall have
58 recognized knowledge and expertise in one or more of the following:

- 59 (1) The clinically appropriate prescribing of covered outpatient drugs;
60 (2) The clinically appropriate dispensing and monitoring of covered outpatient drugs;
61 (3) Drug use review, evaluation, and intervention; or

62 (4) Medical quality assurance.

208.275. 1. As used in this section, unless the context otherwise indicates, the following
2 terms mean:

3 (1) "Elderly", any person who is sixty years of age or older;

4 (2) "Handicapped", any person having a physical or mental condition, either permanent
5 or temporary, which would substantially impair ability to operate or utilize available
6 transportation.

7 2. There is hereby created the "Coordinating Council on Special Transportation" within
8 the Missouri department of transportation. The members of the council shall be: [two members
9 of the senate appointed by the president pro tem, who shall be from different political parties;
10 two members of the house of representatives appointed by the speaker, who shall be from
11 different political parties;] the assistant for transportation of the Missouri department of
12 transportation, or his designee; the assistant commissioner of the department of elementary and
13 secondary education, responsible for special transportation, or his designee; the director of the
14 division of aging of the department of social services, or his designee; the deputy director for
15 mental retardation/developmental disabilities and the deputy director for administration of the
16 department of mental health, or their designees; the executive secretary of the governor's
17 committee on the employment of the handicapped; and seven consumer representatives
18 appointed by the governor by and with the advice and consent of the senate, four of the consumer
19 representatives shall represent the elderly and three shall represent the handicapped. Two of such
20 three members representing handicapped persons shall represent those with physical handicaps.
21 Consumer representatives appointed by the governor shall serve for terms of three years or until
22 a successor is appointed and qualified. Of the members first selected, two shall be selected for
23 a term of three years, two shall be selected for a term of two years, and three shall be selected for
24 a term of one year. In the event of the death or resignation of any member, his successor shall
25 be appointed to serve for the unexpired period of the term for which such member had been
26 appointed.

27 3. State agency personnel shall serve on the council without additional appropriations
28 or compensation. The consumer representatives shall serve without compensation except for
29 receiving reimbursement for the reasonable and necessary expenses incurred in the performance
30 of their duties on the council from funds appropriated to the department of transportation.
31 [Legislative members shall be reimbursed by their respective appointing bodies out of the
32 contingency fund for such body for necessary expenses incurred in the performance of their
33 duties.]

34 4. Staff for the council shall be provided by the Missouri department of transportation.
35 The department shall designate a special transportation coordinator who shall have had
36 experience in the area of special transportation, as well as such other staff as needed to enable
37 the council to perform its duties.

38 5. The council shall meet at least quarterly each year and shall elect from its members
39 a chairman and a vice chairman.

40 6. The coordinating council on special transportation shall:

41 (1) Recommend and periodically review policies for the coordinated planning and
42 delivery of special transportation when appropriate;

43 (2) Identify special transportation needs and recommend agency funding allocations and
44 resources to meet these needs when appropriate;

45 (3) Identify legal and administrative barriers to effective service delivery;

46 (4) Review agency methods for distributing funds within the state and make
47 recommendations when appropriate;

48 (5) Review agency funding criteria and make recommendations when appropriate;

49 (6) Review area transportation plans and make recommendations for plan format and
50 content;

51 (7) Establish measurable objectives for the delivery of transportation services;

52 (8) Review annual performance data and make recommendations for improved service
53 delivery, operating procedures or funding when appropriate;

54 (9) Review local disputes and conflicts on special transportation and recommend
55 solutions.

56 **7. The provisions of this section shall expire on December 31, 2013.**

208.955. 1. There is hereby established in the department of social services the "MO
2 HealthNet Oversight Committee", which shall [be appointed by January 1, 2008, and shall]
3 consist of eighteen members as follows:

4 (1) Two members of the house of representatives, one from each party, appointed by the
5 speaker of the house of representatives and the minority floor leader of the house of
6 representatives;

7 (2) Two members of the Senate, one from each party, appointed by the president pro tem
8 of the senate and the minority floor leader of the senate;

9 (3) One consumer representative;

10 (4) Two primary care physicians, licensed under chapter 334, RSMo, recommended by
11 any Missouri organization or association that represents a significant number of physicians
12 licensed in this state, who care for participants, not from the same geographic area;

13 (5) Two physicians, licensed under chapter 334, RSMo, who care for participants but
14 who are not primary care physicians and are not from the same geographic area, recommended
15 by any Missouri organization or association that represents a significant number of physicians
16 licensed in this state, **and who are familiar with the medical needs of low-income population**
17 **groups and with the resources available and required for their care;**

18 (6) One representative of the state hospital association;

19 (7) One nonphysician health care professional who cares for participants, recommended
20 by the director of the department of insurance, financial institutions and professional registration;

21 (8) One dentist, who cares for participants. The dentist shall be recommended by any
22 Missouri organization or association that represents a significant number of dentists licensed in
23 this state;

24 (9) Two patient advocates;

25 (10) One public member; and

26 (11) The directors of the department of social services, the department of mental health,
27 the department of health and senior services, or the respective directors' designees, who shall
28 serve as ex-officio members of the committee.

29 2. The members of the oversight committee, other than the members from the general
30 assembly and ex-officio members, shall be appointed by the governor with the advice and
31 consent of the senate. A chair of the oversight committee shall be selected by the members of
32 the oversight committee. Of the members first appointed to the oversight committee by the
33 governor, eight members shall serve a term of two years, seven members shall serve a term of
34 one year, and thereafter, members shall serve a term of two years. Members shall continue to
35 serve until their successor is duly appointed and qualified. Any vacancy on the oversight
36 committee shall be filled in the same manner as the original appointment. Members shall serve
37 on the oversight committee without compensation but may be reimbursed for their actual and
38 necessary expenses from moneys appropriated to the department of social services for that
39 purpose. The department of social services shall provide technical, actuarial, and administrative
40 support services as required by the oversight committee. The oversight committee shall:

41 (1) Meet on at least four occasions annually[, including at least four before the end of
42 December of the first year the committee is established]. Meetings [can] **may** be held by
43 telephone or video conference at the discretion of the committee;

44 (2) **Serve as a medical care advisory committee under Section 1902(a)(4) of the**
45 **Social Security Act to advise the Medicaid agency director about health and medical care**
46 **services;**

47 **(3)** Review the participant and provider satisfaction reports and the reports of health
48 outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices
49 as required of the health improvement plans and the department of social services under section
50 208.950;

51 **[(3)] (4)** Review the results from other states of the relative success or failure of various
52 models of health delivery attempted;

53 **[(4)] (5)** Review the results of studies comparing health plans conducted under section
54 208.950;

55 **[(5)] (6)** Review the data from health risk assessments collected and reported under
56 section 208.950;

57 **[(6)] (7)** Review the results of the public process input collected under section 208.950;

58 **[(7)] (8)** Advise and approve proposed design and implementation proposals for new
59 health improvement plans submitted by the department, as well as make recommendations and
60 suggest modifications when necessary;

61 **[(8)] (9)** Determine how best to analyze and present the data reviewed under section
62 208.950 so that the health outcomes, participant and provider satisfaction, results from other
63 states, health plan comparisons, financial impact of the various health improvement plans and
64 models of care, study of provider access, and results of public input can be used by consumers,
65 health care providers, and public officials;

66 **[(9)] (10)** Present significant findings of the analysis required in subdivision (8) of this
67 subsection in a report to the general assembly and governor, at least annually, beginning January
68 1, 2009;

69 **[(10)] (11)** Review the budget forecast issued by the legislative budget office, and the
70 report required under subsection (22) of subsection 1 of section 208.151, and after study:

71 (a) Consider ways to maximize the federal drawdown of funds;

72 (b) Study the demographics of the state and of the MO HealthNet population, and how
73 those demographics are changing;

74 (c) Consider what steps are needed to prepare for the increasing numbers of participants
75 as a result of the baby boom following World War II;

76 **[(11)] (12)** Conduct a study to determine whether an office of inspector general shall be
77 established. Such office would be responsible for oversight, auditing, investigation, and
78 performance review to provide increased accountability, integrity, and oversight of state medical
79 assistance programs, to assist in improving agency and program operations, and to deter and
80 identify fraud, abuse, and illegal acts. The committee shall review the experience of all states

81 that have created a similar office to determine the impact of creating a similar office in this state;
82 and

83 [(12)] (13) Perform other tasks as necessary, including but not limited to making
84 recommendations to the division concerning the promulgation of rules and emergency rules so
85 that quality of care, provider availability, and participant satisfaction can be assured.

86 3. By July 1, 2011, the oversight committee shall issue findings to the general assembly
87 on the success and failure of health improvement plans and shall recommend whether or not any
88 health improvement plans should be discontinued.

89 4. [The oversight committee shall designate a subcommittee devoted to advising the
90 department on the development of a comprehensive entry point system for long-term care that
91 shall:

92 (1) Offer Missourians an array of choices including community-based, in-home,
93 residential and institutional services;

94 (2) Provide information and assistance about the array of long-term care services to
95 Missourians;

96 (3) Create a delivery system that is easy to understand and access through multiple
97 points, which shall include but shall not be limited to providers of services;

98 (4) Create a delivery system that is efficient, reduces duplication, and streamlines access
99 to multiple funding sources and programs;

100 (5) Strengthen the long-term care quality assurance and quality improvement system;

101 (6) Establish a long-term care system that seeks to achieve timely access to and payment
102 for care, foster quality and excellence in service delivery, and promote innovative and
103 cost-effective strategies; and

104 (7) Study one-stop shopping for seniors as established in section 208.612.

105 5. The subcommittee shall include the following members:

106 (1) The lieutenant governor or his or her designee, who shall serve as the subcommittee
107 chair;

108 (2) One member from a Missouri area agency on aging, designated by the governor;

109 (3) One member representing the in-home care profession, designated by the governor;

110 (4) One member representing residential care facilities, predominantly serving MO
111 HealthNet participants, designated by the governor;

112 (5) One member representing assisted living facilities or continuing care retirement
113 communities, predominantly serving MO HealthNet participants, designated by the governor;

114 (6) One member representing skilled nursing facilities, predominantly serving MO
115 HealthNet participants, designated by the governor;

- 116 (7) One member from the office of the state ombudsman for long-term care facility
117 residents, designated by the governor;
- 118 (8) One member representing Missouri centers for independent living, designated by the
119 governor;
- 120 (9) One consumer representative with expertise in services for seniors or the disabled,
121 designated by the governor;
- 122 (10) One member with expertise in Alzheimer's disease or related dementia;
- 123 (11) One member from a county developmental disability board, designated by the
124 governor;
- 125 (12) One member representing the hospice care profession, designated by the governor;
- 126 (13) One member representing the home health care profession, designated by the
127 governor;
- 128 (14) One member representing the adult day care profession, designated by the governor;
- 129 (15) One member gerontologist, designated by the governor;
- 130 (16) Two members representing the aged, blind, and disabled population, not of the same
131 geographic area or demographic group designated by the governor;
- 132 (17) The directors of the departments of social services, mental health, and health and
133 senior services, or their designees; and
- 134 (18) One member of the house of representatives and one member of the senate serving
135 on the oversight committee, designated by the oversight committee chair. Members shall serve
136 on the subcommittee without compensation but may be reimbursed for their actual and necessary
137 expenses from moneys appropriated to the department of health and senior services for that
138 purpose. The department of health and senior services shall provide technical and administrative
139 support services as required by the committee.
- 140 6. By October 1, 2008, the comprehensive entry point system subcommittee shall submit
141 its report to the governor and general assembly containing recommendations for the
142 implementation of the comprehensive entry point system, offering suggested legislative or
143 administrative proposals deemed necessary by the subcommittee to minimize conflict of interests
144 for successful implementation of the system. Such report shall contain, but not be limited to,
145 recommendations for implementation of the following consistent with the provisions of section
146 208.950:
- 147 (1) A complete statewide universal information and assistance system that is integrated
148 into the web-based electronic patient health record that can be accessible by phone, in-person,
149 via MO HealthNet providers and via the Internet that connects consumers to services or
150 providers and is used to establish consumers' needs for services. Through the system, consumers

151 shall be able to independently choose from a full range of home, community-based, and
152 facility-based health and social services as well as access appropriate services to meet individual
153 needs and preferences from the provider of the consumer's choice;

154 (2) A mechanism for developing a plan of service or care via the web-based electronic
155 patient health record to authorize appropriate services;

156 (3) A preadmission screening mechanism for MO HealthNet participants for nursing
157 home care;

158 (4) A case management or care coordination system to be available as needed; and

159 (5) An electronic system or database to coordinate and monitor the services provided
160 which are integrated into the web-based electronic patient health record.

161 7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide
162 to the governor, lieutenant governor and the general assembly a yearly report that provides an
163 update on progress made by the subcommittee toward implementing the comprehensive entry
164 point system.

165 8.] The provisions of section 23.253, RSMo, shall not apply to sections 208.950 to
166 208.955.

210.101. 1. There is hereby established the "Missouri Children's Services Commission",
2 which shall be composed of the following members:

3 (1) The director or [deputy director of the department of labor and industrial relations
4 and the director or deputy director of each state agency, department, division, or other entity
5 which provides services or programs for children, including, but not limited to, the department
6 of mental health, the department of elementary and secondary education, the department of social
7 services, the department of public safety and the department of health and senior services] **the**
8 **director's designee of the following departments: corrections, elementary and secondary**
9 **education, higher education, health and senior services, mental health, public safety, and**
10 **social services;**

11 (2) One judge of a **family or** juvenile court, who shall be appointed by the chief justice
12 of the supreme court;

13 (3) [One judge of a family court, who shall be appointed by the chief justice of the
14 supreme court;

15 (4) Four] **Two** members, [two] **one** from each political party, of the house of
16 representatives, who shall be appointed by the speaker of the house of representatives;

17 [(5) Four] **(4) Two** members, [two] **one** from each political party, of the senate, who
18 shall be appointed by the president pro tempore of the senate;

19 **(5) Five at-large members who shall be appointed by the governor with the advice**
20 **and consent of the senate and who represent one of the following: pediatricians, family**
21 **physicians, hospital administrators, children's advocacy organizations, and parents of**
22 **minor children.**

23

24 All members shall serve for as long as they hold the position which made them eligible for
25 appointment to the Missouri children's services commission under this subsection. All members
26 shall serve without compensation but may be reimbursed for all actual and necessary expenses
27 incurred in the performance of their official duties for the commission.

28 2. All meetings of the Missouri children's services commission shall be open to the
29 public and shall, for all purposes, be deemed open public meetings under the provisions of
30 sections 610.010 to 610.030, RSMo. The Missouri children's services commission shall meet
31 no less than once every two months[, and shall hold its first meeting no later than sixty days after
32 September 28, 1983]. Notice of all meetings of the commission shall be given to the general
33 assembly in the same manner required for notifying the general public of meetings of the general
34 assembly.

35 3. The Missouri children's services commission may make all rules it deems necessary
36 to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

37 4. The commission shall elect from amongst its members a chairman, vice chairman, a
38 secretary-reporter, and such other officers as it deems necessary.

39 5. The services of the personnel of any agency from which the director or deputy director
40 is a member of the commission shall be made available to the commission at the discretion of
41 such director or deputy director. All meetings of the commission shall be held in the state of
42 Missouri.

43 6. The officers of the commission may hire an executive director. Funding for the
44 executive director may be provided from the Missouri children's services commission fund or
45 other sources provided by law.

46 7. The commission, by majority vote, may invite individuals representing local and
47 federal agencies or private organizations and the general public to serve as ex officio members
48 of the commission. Such individuals shall not have a vote in commission business and shall
49 serve without compensation but may be reimbursed for all actual and necessary expenses
50 incurred in the performance of their official duties for the commission.

 210.496. The division may refuse to issue either a license or a provisional license to an
2 applicant, or may suspend or revoke the license or provisional license of a licensee, who:

- 3 (1) Fails consistently to comply with the applicable provisions of sections 208.400 to
4 [208.535] **208.507** and the applicable rules promulgated thereunder;
- 5 (2) Violates any of the provisions of its license;
- 6 (3) Violates state laws or rules relating to the protection of children;
- 7 (4) Furnishes or makes any misleading or false statements or reports to the division;
- 8 (5) Refuses to submit to the division any reports or refuses to make available to the
9 division any records required by the division in making an investigation;
- 10 (6) Fails or refuses to admit authorized representatives of the division at any reasonable
11 time for the purpose of investigation;
- 12 (7) Fails or refuses to submit to an investigation by the division;
- 13 (8) Fails to provide, maintain, equip, and keep in safe and sanitary condition the
14 premises established or used for the care of children being served, as required by law, rule, or
15 ordinance applicable to the location of the foster home or residential care facility; or
- 16 (9) Fails to provide financial resources adequate for the satisfactory care of and services
17 to children being served and the upkeep of the premises.

260.370. 1. Where proven technology is available and the economic impact is
2 reasonable, pursuant to rules and regulations promulgated by the commission, the hazardous
3 waste management commission shall encourage that every effort is made to effectively treat,
4 recycle, detoxify, incinerate or otherwise treat hazardous waste to be disposed of in the state of
5 Missouri in order that such wastes are not disposed of in a manner which is hazardous to the
6 public health and the environment. Where proven technology is available with respect to a
7 specific hazardous waste and the economic impact is reasonable, pursuant to rules and
8 regulations promulgated by the commission, the hazardous waste management commission shall
9 direct that disposal of the specific hazardous wastes using land filling as the primary method is
10 prohibited.

11 2. The hazardous waste management commission shall, by rules and regulations,
12 categorize hazardous waste by taking into account toxicity, persistence and degradability in
13 nature, potential for accumulation in tissue, and other related factors such as flammability,
14 corrosiveness and other hazardous characteristics. The commission shall by rules and
15 regulations further establish within each category the wastes which may or may not be disposed
16 of through alternative hazardous waste management technologies including, but not limited to,
17 treatment facilities, incinerators, landfills, landfarms, storage facilities, surface impoundments,
18 recycling, reuse and reduction. The commission shall specify, by rule and regulation, the
19 frequency of inspection for each method of hazardous waste management and for the different
20 waste categories at hazardous waste management sites. The inspection may be daily when the

21 hazardous waste management commission deems it necessary. The hazardous waste
22 management commission shall specify, by rule, fees to be paid to the department by owners or
23 operators of hazardous waste facilities who have obtained, or are required to obtain, a hazardous
24 waste facility permit and who accept, on a commercial basis for remuneration, hazardous waste
25 from off-site sources, but not including wastes generated by the same person at other sites
26 located in Missouri or within a metropolitan statistical area located partially in Missouri and
27 owned or operated by the same person and transferred to the hazardous waste facility, for
28 treatment, storage or disposal, for inspections conducted by the department to determine
29 compliance with sections 260.350 to 260.430 and the regulations promulgated thereunder. Funds
30 derived from these inspection fees shall be used for the purpose of funding the inspection of
31 hazardous waste facilities, as specified in subsection 3 of section 260.391. Such fees shall not
32 exceed twelve thousand dollars per year per facility and the commission shall establish a
33 graduated fee scale based on the volume of hazardous waste accepted with reduced fees for
34 facilities accepting smaller volumes of hazardous waste. The department shall furnish, upon
35 request, to the person, firm or corporation operating the hazardous waste facility a complete, full
36 and detailed accounting of the cost of the department's inspections of the facility for the
37 twelve-month period immediately preceding the request within forty-five days after receipt of
38 the request. Failure to provide the accounting within forty-five days shall require the department
39 to refund the inspection fee paid during the twelve-month-time period.

40 3. In addition to any other powers vested in it by law, the commission shall have the
41 following powers:

42 (1) From time to time adopt, amend or repeal, after due notice and public hearing,
43 standards, rules and regulations to implement, enforce and carry out the provisions of sections
44 260.350 to 260.430 and any required of this state by any federal hazardous waste management
45 act and as the commission may deem necessary to provide for the safe management of hazardous
46 wastes to protect the health of humans and the environment. In implementing this subsection,
47 the commission shall consider the variations within this state in climate, geology, population
48 density, quantities and types of hazardous wastes generated, availability of hazardous waste
49 facilities and such other factors as may be relevant to the safe management of hazardous wastes.
50 Within two years after September 28, 1977, the commission shall adopt rules and regulations
51 including the following:

52 (a) Rules and regulations establishing criteria and a listing for the determination of
53 whether any waste or combination of wastes is hazardous for the purposes of sections 260.350
54 to 260.430, taking into account toxicity, persistence and degradability in nature, potential for

55 accumulation in tissue, and other related factors such as flammability, corrosiveness and other
56 hazardous characteristics;

57 (b) Rules and regulations for the storage, treatment and disposal of hazardous wastes;

58 (c) Rules and regulations for the transportation, containerization and labeling of
59 hazardous wastes, which shall be consistent with those issued by the Missouri public service
60 commission;

61 (d) Rules and regulations establishing standards for the issuance, modification,
62 suspension, revocation or denial of such licenses and permits as are consistent with the purposes
63 of sections 260.350 to 260.430;

64 (e) Rules and regulations establishing standards and procedures for the safe operation
65 and maintenance of hazardous waste facilities in order to protect the health of humans and other
66 living organisms;

67 (f) Rules and regulations listing those wastes or combinations of wastes, for which
68 criteria have been established under paragraph (a) of this subdivision and which are not
69 compatible and which may not be stored or disposed of together;

70 (g) Rules and regulations establishing procedures and requirements for the reporting of
71 the generation, storage, transportation, treatment or disposal of hazardous wastes;

72 (2) Adopt and publish, after notice as required by the provisions of chapter 536, RSMo,
73 pertaining to administrative rulemaking, and public hearing, a state hazardous waste management
74 plan to provide for the safe and effective management of hazardous wastes within this state. This
75 plan shall be adopted within two years after September 28, 1977, and revised at least once every
76 five years thereafter;

77 (3) Hold hearings, issue notices of hearings and subpoenas requiring the attendance of
78 witnesses and the production of evidence, administer oaths and take testimony as the commission
79 deems necessary to accomplish the purposes of sections 260.350 to 260.430 or as required by
80 any federal hazardous waste management act. Unless otherwise specified in sections 260.350
81 to 260.430, any of these powers may be exercised on behalf of the commission by any members
82 thereof or a hearing officer designated by it;

83 (4) Grant individual variances in accordance with the provisions of sections 260.350 to
84 260.430;

85 (5) Make such orders as are necessary to implement, enforce and effectuate the powers,
86 duties and purposes of sections 260.350 to 260.430.

87 4. No rule or portion of a rule promulgated under the authority of sections 260.350 to
88 260.480 and sections 260.565 to 260.575 shall become effective unless it has been promulgated
89 pursuant to the provisions of section 536.024, RSMo.

90 5. To the extent there is a conflict concerning authority for risk-based remediation rules
91 between this section and section 644.143, RSMo, or subdivision (8) of section 644.026, RSMo,
92 this section shall prevail.

93 [6. Beginning July 1, 2004, a joint committee appointed by the speaker of the house of
94 representatives and the president pro tem of the senate shall consider proposals for restructuring
95 the fees paid by hazardous waste generators and hazardous waste facilities. The committee shall
96 consider options for expanding the fee structure to more fairly apportion the cost of services
97 provided among all those that benefit from those services. The committee shall prepare and
98 submit a report including its recommendation for changes to the governor, the house of
99 representatives, and the senate no later than December 31, 2004.]

260.372. 1. The Missouri hazardous waste management commission within the Missouri
2 department of natural resources is hereby given the authority to aid in the promotion of
3 hazardous waste recycling, reuse, or reduction by entering into contracts, subject to
4 appropriations, for the development and implementation of projects dealing with said uses of
5 hazardous wastes or the purchase and development of machinery, equipment, appliances,
6 devices, and supplies solely required to develop and operate hazardous waste recycling, reuse,
7 and reduction projects.

8 2. The hazardous waste management commission within the Missouri department of
9 natural resources shall promulgate rules and regulations to establish or participate in one or more
10 regional waste exchange clearing houses where generators of wastes may list those wastes that
11 have market value or other use.

12 **3. The hazardous waste management commission within the Missouri department**
13 **of natural resources shall act in an advisory capacity to Missouri's member on the midwest**
14 **low-level radioactive waste compact commission, review activities of the midwest low-level**
15 **radioactive waste compact commission and midwest interstate radioactive waste compact**
16 **states, and present recommendations in writing to the governor and the general assembly**
17 **as requested or as necessary to insure adequate exchange of information.**

260.705. Unless the context clearly requires otherwise, the following words and phrases
2 mean:

3 (1) ["Advisory committee", the low-level radioactive waste compact advisory committee;

4 (2)] "Care", the continued observation of a facility after closure for the purposes of
5 detecting a need for maintenance, insuring environmental safety, and determining compliance
6 with applicable licensure and regulatory requirements and including the correction of problems
7 which are detected as a result of that observation;

- 8 [(3)] (2) "Clean-up", all actions necessary to contain, collect, control, identify, analyze,
9 treat, disperse, remove, or dispose of low-level radioactive waste;
- 10 [(4)] (3) "Closure", measures which must be taken by a facility owner or operator when
11 he determines that the facility shall no longer accept low-level radioactive waste;
- 12 [(5)] (4) "Commission", the midwest interstate low-level radioactive waste commission;
- 13 [(6)] (5) "Decommissioning", the measures taken at the end of a facility's operating life
14 to assure the continued protection of the public from any residual radioactivity or other potential
15 hazards present at a facility;
- 16 [(7)] (6) "Facility", a parcel of land or site, together with the structures, equipment and
17 improvements on or appurtenant to the land or site, which is used or is being developed for the
18 treatment, storage or disposal of low-level radioactive waste;
- 19 [(8)] (7) "Host state", any state which is designated by the commission to host a regional
20 facility;
- 21 [(9)] (8) "Low-level radioactive waste" or "waste", radioactive waste not classified as
22 high-level radioactive waste, transuranic waste, spent nuclear fuel or by-product material as
23 defined in Section 11(e)(2) of the Atomic Energy Act of 1954;
- 24 [(10)] (9) "Midwest low-level radioactive waste compact", the midwest interstate
25 compact on low-level radioactive waste as enacted by the Missouri general assembly;
- 26 [(11)] (10) "Radioactive release", the emission, discharge, spillage, leakage, pumping,
27 pouring, emptying or dumping of low-level radioactive waste into the biosphere which exceeds
28 state or federal standards;
- 29 [(12)] (11) "Region", the area of the party states to the midwest low-level radioactive
30 waste compact;
- 31 [(13)] (12) "Regional facility", a facility which is located within the region and which
32 is established by a party state pursuant to designation of that state as a host state by the
33 commission; and
- 34 [(14)] (13) "Site", the geographic location of a facility.

260.720. 1. The governor shall appoint one member and one alternate member to
2 represent Missouri's interests on the midwest low-level radioactive waste compact commission.
3 Such appointment shall be with the advice and consent of the senate, as provided in section 51
4 of article IV of the Constitution of Missouri. The state's member on the commission, or the
5 alternate, shall be entitled to reimbursement for expenses necessarily incurred in the discharge
6 of his official duties plus, if not an employee of the state, fifty dollars for each day devoted to the
7 affairs of the commission.

8 2. Missouri's member on the commission shall [also serve on the advisory committee
9 created by section 260.725, and] report activities of the commission to the [advisory committee]
10 **hazardous waste management commission**, governor and general assembly as requested.

260.735. 1. In the event Missouri is designated by the commission to be a host state for
2 a regional low-level radioactive waste disposal facility, the director of the department of natural
3 resources shall, within seven days, report to the governor, the legislature and the [advisory
4 committee] **hazardous waste management commission** with recommendations for further
5 action.

6 2. If Missouri is designated as the host state for a regional disposal facility, the governor
7 shall provide notification of withdrawal, pursuant to Article VIII(i) of the Midwest Interstate
8 Low-Level Radioactive Waste Compact, unless that designation is approved by the general
9 assembly by a concurrent resolution; provided however, that if the general assembly, having had
10 the opportunity to consider the issue of whether or not to remain in the compact, for a period of
11 not less than sixty days within the ninety-day period immediately following such designation,
12 fails to render a concurrent resolution approving such designation or a concurrent resolution
13 calling for Missouri to withdraw from the compact, the governor need not provide such
14 notification of withdrawal.

262.217. Effective September 1, 1995, there is created a "State Fair Commission" whose
2 domicile for the purposes of sections 262.215 to 262.280 shall be the department of agriculture
3 of this state. The commission shall consist of nine members, two of whom shall be active
4 farmers, two of whom shall be either current members or past presidents of county or regional
5 fair boards **or individuals active in the tourism industry**, one of whom shall be the director of
6 the department of agriculture, one of whom shall be employed in agribusiness, and three at-large
7 members who shall be Missouri residents. The [director of the department of agriculture shall
8 be the chairman of the commission until January 31, 1997, and shall not be counted against
9 membership from a congressional district, at which time the chairman] **commission** shall [be
10 elected] **elect a chairperson** from among the members of the commission [by the commission
11 members]. Such officer shall serve for a term of two years. Commissioners shall be reimbursed
12 for their actual and necessary expenses incurred when attending meetings of the commission, to
13 be paid from appropriations made therefor. Commissioners shall be appointed by the governor,
14 with the advice and consent of the senate. The county fair association in the state may submit
15 to the governor a list of nominees for appointment, three from each congressional district, for
16 those commission members who [are required to] **may** be current members or past presidents
17 of county fair boards. Not more than four commissioners excluding the director of agriculture
18 shall be members of the same political party. Each commissioner shall be a resident of the state

19 for five years prior to his appointment. [The eight initial commissioners shall be appointed as
20 follows: two shall be appointed for terms of one year, two for terms of two years, two for terms
21 of three years and two for terms of four years. Their successors] **Commissioners** shall be
22 appointed for terms of four years. A commissioner shall continue to serve until his successor is
23 appointed and qualified. Whenever any vacancy occurs on the commission, the governor shall
24 fill the vacancy by appointment for the remainder of the term of the commissioner who was
25 replaced. There shall be no more than two commission members from any congressional district.

286.001. As used in this chapter, unless the context clearly states otherwise, the
2 following terms mean:

3 (1) "Commission", the labor and industrial relations commission;

4 (2) ["Council", the governor's council on disability;

5 (3)] "Department", the department of labor and industrial relations;

6 [(4)] (3) "Director", the director of the department of labor and industrial relations;

7 [(5)] (4) "Division", the divisions of employment security, labor standards and workers'
8 compensation; and

9 [(6)] (5) "Division heads", the division directors for each of the divisions.

286.005. 1. There is hereby created a "Department of Labor and Industrial Relations"
2 to be headed by a labor and industrial relations commission as provided by section 49, article IV,
3 Constitution of Missouri. All the powers, duties and functions of the industrial commission are
4 transferred by type I transfer to the labor and industrial relations commission and the industrial
5 commission is abolished. The commission shall nominate and the governor shall appoint, with
6 the advice and consent of the senate, the director of the department to be the chief administrative
7 officer of the department. Members of the industrial commission on May 2, 1974, shall become
8 members of the commission and the terms of the commission members shall be the same as
9 provided by law for the industrial commission. Individuals appointed as members of the
10 industrial commission shall serve the remainder of the term to which they were appointed as
11 members of the commission. The members of the commission shall receive an annual salary of
12 seventy-two thousand seven hundred thirty-five dollars plus any salary adjustment provided
13 pursuant to section 105.005, RSMo, payable out of the state treasury. The board of rehabilitation
14 is abolished as hereinafter set out and on May 2, 1974, no compensation shall be paid to any
15 person as a member of the board of rehabilitation, other provisions of the law notwithstanding.
16 The director of the department shall appoint other division heads in the department. For the
17 purposes of subsections 6, 7, 8 and 9 of section 1 of the reorganization act of 1974, the director
18 of the department shall be construed as the head of the department of labor and industrial
19 relations.

20 2. All powers, duties, and functions vested by law in the division of employment
21 security, chapter 288, RSMo, and others, are transferred by type II transfer to the department.

22 3. All powers, duties, and functions vested by law in the division of workers'
23 compensation, chapter 287, RSMo, and others, are transferred by type II transfer to the
24 department.

25 4. All the powers, duties, and functions of the board of rehabilitation, chapter 287,
26 RSMo, and others, are transferred by type I transfer to the division of workers' compensation of
27 the department and the board of rehabilitation is abolished.

28 5. All powers, duties and functions vested by law in the division of industrial inspections
29 and the division of mine inspections, chapters 286, 290, 291, 292, 293, 294 and 444, RSMo,
30 which were previously transferred by type I transfer to the inspection section of the department,
31 are transferred to the division of labor standards of the department. Employees of the division
32 performing duties related to the mine safety and health act and the occupational safety health act
33 shall be selected in accord with chapter 36, RSMo.

34 6. All the powers, duties, and functions vested by law in the state board of mediation
35 under chapter 295, RSMo, and others, are transferred by type II transfer to the department.

36 7. All employees of the division of employment security shall be selected in accord with
37 chapter 36, RSMo.

38 8. The Missouri commission on human rights, and all the authority, powers, duties,
39 functions, records, personnel, property, matters pending and other pertinent vestiges thereof
40 vested in the Missouri commission on human rights under chapters 213, 296, 314, and others,
41 RSMo, are transferred by type III transfer to the department. Members of the Missouri
42 commission on human rights shall be nominated by the director for appointment by the governor,
43 by and with the advice and consent of the senate.

44 [9. The department shall act as the administrative entity for the governor's council on
45 disability. The federal and state funds necessary for the administration and implementation of
46 the programs and services provided by the governor's council on disability shall be appropriated
47 through the department.]

304.028. 1. There is hereby created in the state treasury for use by the [Missouri Head
2 Injury Advisory Council] **department of health and senior services** a fund to be known as the
3 "[Head] **Brain** Injury Fund". All judgments collected pursuant to this section, federal grants,
4 private donations and any other moneys designated for the [head] **brain** injury fund shall be
5 deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general
6 assembly to the [office of administration] **department of health and senior services**, be
7 received and expended by the [council] **department** for the purpose of transition and integration

8 of medical, social and educational services or activities for purposes of outreach and [short-term]
9 supports to enable individuals with traumatic [head] **brain** injury and their families to live in the
10 community[, including counseling and mentoring the families]. Notwithstanding the provisions
11 of section 33.080, RSMo, to the contrary, any unexpended balance in the [head] **brain** injury
12 fund at the end of any biennium shall not be transferred to the general revenue fund.

13 2. In all criminal cases including violations of any county ordinance or any violation of
14 criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a
15 surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding
16 involving a violation of an ordinance or state law when the proceeding or defendant has been
17 dismissed by the court or when costs are to be paid by the state, county or municipality.

18 3. Such surcharge shall be collected and distributed by the clerk of the court as provided
19 in sections 488.010 to 488.020, RSMo. The surcharge collected pursuant to this section shall
20 be paid to the state treasury to the credit of the [head] **brain** injury fund established in this
21 section.

320.094. 1. The state treasurer shall annually transfer an amount prescribed in
2 subsection 2 of this section out of the state revenues derived from premium taxes levied on
3 insurance companies pursuant to sections 148.310 to 148.461, RSMo, which are deposited by
4 the director of revenue in the general revenue fund pursuant to section 148.330, RSMo, in a fund
5 hereby created in the state treasury, to be known as the "Fire Education Fund". Any interest
6 earned from investment of moneys in the fund, and all moneys received from gifts, grants, or
7 other moneys appropriated by the general assembly, shall be credited to the fund. The state
8 treasurer shall administer the fund, and the moneys in such fund shall be used solely as
9 prescribed in this section. Notwithstanding the provisions of section 33.080, RSMo, to the
10 contrary, moneys in the fire education fund at the end of any biennium shall not be transferred
11 to the credit of the general revenue fund.

12 2. Beginning July 1, 1998, three percent of the amount of premium taxes collected in the
13 immediately preceding fiscal year pursuant to sections 148.310 to 148.461, RSMo, which are
14 deposited in the general revenue fund that exceeds the amount of premium taxes which were
15 deposited in the general revenue fund in the 1997 fiscal year shall be transferred from the general
16 revenue fund to the credit of the fire education fund. At the end of each fiscal year, the
17 commissioner of administration shall determine the amount transferred to the credit of the fire
18 education fund in each fiscal year by computing the premium taxes deposited in the general
19 revenue fund in the prior fiscal year and comparing such amount to the amount of premium taxes
20 deposited in the general revenue fund in the 1997 fiscal year. An amount equal to three percent
21 of the increase computed pursuant to this section shall be transferred by the state treasurer to the

22 credit of the fire education fund; however, such transfer in any fiscal year shall not exceed one
23 million five hundred thousand dollars.

24 3. [There is hereby established a special trust fund, to be known as the "Missouri Fire
25 Education Trust Fund", which shall consist of all moneys collected per subsection 2 of this
26 section transferred to the fund from the fire education fund pursuant to this subsection, any
27 earnings resulting from the investment of moneys in the fund, and all moneys received from
28 gifts, grants, or other moneys appropriated by the general assembly. Each fiscal year, an amount
29 equal to forty percent of the moneys transferred to the fire education fund collected pursuant to
30 subsection 2 of this section shall be transferred by the state treasurer to the credit of the Missouri
31 fire education trust fund. The fund shall be administered by a board of trustees, consisting of the
32 state treasurer, two members of the senate appointed by the president pro tem of the senate, two
33 members of the house of representatives appointed by the speaker of the house, and two
34 members appointed by the governor with the advice and consent of the senate. Any member
35 appointed due to such person's membership in the senate or house of representatives shall serve
36 only as long as such person holds the office referenced in this section. The state treasurer shall
37 invest moneys in the fund in a manner as provided by law. Subject to appropriations, moneys
38 in the fund shall be used solely for the purposes described in this section, but such appropriations
39 shall be made only if the board recommends to the general assembly that such moneys are
40 needed in that fiscal year to adequately fund the activities described in this section. Moneys shall
41 accumulate in the trust fund until the earnings from investment of moneys in the fund can
42 adequately support the activities described in this section, as determined by the board. At such
43 time, the board may recommend that the general assembly adjust or eliminate the funding
44 mechanism described in this section. Notwithstanding the provisions of section 33.080, RSMo,
45 to the contrary, moneys in the Missouri fire education trust fund at the end of any biennium shall
46 not be transferred to the credit of the general revenue fund.

47 4.] The moneys in the fire education fund[, after any distribution pursuant to subsection
48 3 of this section,] shall be appropriated to the division of fire safety to coordinate education
49 needs in cooperation with community colleges, colleges, regional training facilities, fire and
50 emergency services training entities and universities of this state and shall provide training and
51 continuing education to firefighters in this state relating to fire department operations and the
52 personal safety of firefighters while performing fire department activities. Programs and
53 activities funded under this subsection [must] **shall** be approved by the Missouri fire [education
54 commission established in subsection 5 of this section] **safety advisory board established in**
55 **section 320.205**. These funds shall primarily be used to provide field education throughout the

56 state, with not more than two percent of funds under this subsection expended on administrative
57 costs.

58 [5. There is established the "Missouri Fire Education Commission", to be domiciled in
59 the division of fire safety within the department of public safety. The commission shall be
60 composed of five members appointed by the governor with the advice and consent of the senate,
61 consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one
62 full-time firefighter employed by a recognized fire department or fire protection district, one
63 firefighter training officer, one person serving as the chief of a volunteer fire protection
64 association, and one chief fire officer from a recognized fire department or fire protection
65 district. No more than three members appointed by the governor shall be of the same political
66 party. The terms of office for the members appointed by the governor shall be four years and
67 until their successors are selected and qualified, except that, of those first appointed, two shall
68 have a term of four years, two shall have a term of three years and one shall have a term of two
69 years. There is no limitation on the number of terms an appointed member may serve. The
70 governor may appoint a member for the remaining portion of the unexpired term created by a
71 vacancy. The governor may remove any appointed member for cause. The members shall at
72 their initial meeting select a chair. All members of the commission shall serve without
73 compensation for their duties, but shall be reimbursed for necessary travel and other expenses
74 incurred in the performance of their official duties. The commission shall meet at least quarterly
75 at the call of the chair and shall review and determine appropriate programs and activities for
76 which funds may be expended under subsection 4 of this section.]

320.205. 1. The governor, with the advice and consent of the senate, shall appoint a
2 full-time state fire marshal, who shall be the head of the division of fire safety. The state fire
3 marshal shall administer and enforce the provisions of sections 320.200 to 320.270. The state
4 fire marshal shall be a citizen of the United States, shall be a person of good moral character, and
5 a resident taxpayer of Missouri at the time of his appointment. The state fire marshal must have
6 had a minimum of ten years' experience in some phase of fire protection, fire prevention, or fire
7 investigation, which may include experience with any state, municipal, military, or industrial fire
8 protection agency. [He] **The state fire marshal** shall possess administrative ability and
9 experience [and], be able to obtain facts in connection with the duties of [his] **the** office by field
10 investigations, and **be able** to accurately report [his] findings.

11 2. There is hereby established within the department of public safety the "Missouri Fire
12 Safety Advisory Board", which shall be composed of [six] **eight** members appointed by the
13 governor, by and with the advice and consent of the senate, from a list of qualified candidates
14 submitted to the governor by the director of the department of public safety. It shall be the duty

15 of the Missouri fire safety advisory board to advise the fire marshal on all matters pertaining to
16 the responsibilities of the fire marshal and the division. All members of the Missouri fire safety
17 advisory board shall be qualified voters of Missouri at the time of their appointment, shall
18 receive no compensation for their services, and shall be reimbursed for their actual and necessary
19 expenses incurred in the performance of their official duties. Of the members appointed to the
20 Missouri fire safety advisory board, one shall be a chief of a fire department located within this
21 state, one shall be a firefighter, one shall be a person with expertise in the investigation of arson,
22 one shall be an instructor in a firefighting training program, one shall be a person who provides
23 fire safety appliances and equipment, [and] one shall be an insurer duly licensed to provide
24 insurance coverage for losses due to fire, **one shall be a firefighter serving as a volunteer in**
25 **a volunteer fire protection association, and one shall be a chief of a volunteer fire**
26 **protection association.**

324.406. 1. There is hereby created within the division of professional registration a
2 council to be known as the "Interior Design Council". The council shall consist of [four] **two**
3 interior designers and one public member appointed by the governor with the advice and consent
4 of the senate. The governor shall give due consideration to the recommendations by state
5 organizations of the interior design profession for the appointment of the interior design
6 members to the council. Council members shall be appointed to serve a term of four years[;
7 except that of the members first appointed, one interior design member and the public member
8 shall be appointed for terms of four years, one member shall be appointed for a term of three
9 years, one member shall be appointed for a term of two years and one member shall be appointed
10 for a term of one year]. No member of the council shall serve more than two terms.

11 2. Each council member, other than the public member, shall be a citizen of the United
12 States, a resident of the state of Missouri for at least one year, meet the qualifications for
13 professional registration, practice interior design as the person's principal livelihood and, except
14 for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an
15 interior designer.

16 3. The public member shall be, at the time of such person's appointment, a citizen of the
17 United States, a registered voter, a person who is not and never was a member of the profession
18 regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does
19 not have and never has had a material financial interest in the providing of the professional
20 services regulated by sections 324.400 to 324.439. The duties of the public member shall not
21 include the determination of the technical requirements for the registration of persons as interior
22 designers. The provisions of section 324.028 pertaining to public members of certain state
23 boards and commissions shall apply to the public member of the council.

24 4. Members of the council may be removed from office for cause. Upon the death,
25 resignation or removal from office of any member of the council, the appointment to fill the
26 vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same
27 manner as the first appointment and due notice be given to the state organizations of the interior
28 design profession prior to the appointment.

29 5. Each member of the council may receive as compensation an amount set by the
30 division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable
31 and necessary expenses incurred in the official performance of the member's duties as a member
32 of the council. The director shall establish by rule guidelines for payment.

33 6. The council shall meet at least twice each year and advise the division on matters
34 within the scope of sections 324.400 to 324.439. The organization of the council shall be
35 established by the members of the council.

36 7. The council may sue and be sued as the interior design council and the council
37 members need not be named as parties. Members of the council shall not be personally liable
38 either jointly or severally for any act committed in the performance of their official duties as
39 council members. No council member shall be personally liable for any costs which accrue in
40 any action by or against the council.

324.475. For the purposes of sections 324.475 to 324.499, the following terms mean:

2 (1) "Acupuncture", the use of needles inserted into the body by piercing of the skin and
3 related modalities for the assessment, evaluation, prevention, treatment or correction of any
4 abnormal physiology or pain by means of controlling and regulating the flow and balance of
5 energy in the body so as to restore the body to its proper functioning and state of health;

6 (2) "Acupuncturist", any person licensed as provided in sections 324.475 to 324.499 to
7 practice acupuncture as defined in subdivision (1) of this section;

8 (3) "Auricular detox technician", a person trained solely in, and who performs only,
9 auricular detox treatment. An auricular detox technician shall practice under the supervision of
10 a licensed acupuncturist. Such treatment shall take place in a hospital, clinic or treatment facility
11 which provides comprehensive substance abuse services, including counseling, and maintains
12 all licenses and certifications necessary and applicable;

13 (4) "Auricular detox treatment", a very limited procedure consisting of acupuncture
14 needles inserted into specified points in the outer ear of a person undergoing treatment for drug
15 or alcohol abuse or both drug and alcohol abuse;

16 (5) "Board", the state board of chiropractic examiners established in chapter 331, RSMo;

17 (6) "Committee", the Missouri acupuncture [advisory] **licensing** committee;

18 (7) "Department", the department of insurance, financial institutions and professional
19 registration;

20 (8) "Director", the director of the division of professional registration;

21 (9) "Division", the division of professional registration;

22 (10) "License", the document of authorization issued by the board for a person to engage
23 in the practice of acupuncture.

324.478. 1. There is hereby created within the division of professional registration a
2 committee to be known as the "Missouri Acupuncturist [Advisory] **Licensing** Committee". The
3 committee shall consist of [five] **three** members, all of whom shall be citizens of the United
4 States and registered voters of the state of Missouri. The governor shall appoint the members
5 of the committee with the advice and consent of the senate for terms of four years[; except as
6 provided in subsection 2 of this section. Three] . **The** committee members shall be
7 acupuncturists[. Such members] **and** shall at all times be holders of licenses for the practice of
8 acupuncture in this state[; except for the members of the first committee who shall meet the
9 requirements for licensure pursuant to sections 324.475 to 324.499. One member shall be a
10 current board member of the Missouri state board for chiropractic examiners. The remaining
11 member shall be a public member]. All members shall be chosen from lists submitted by the
12 director of the division of professional registration. The president of the Acupuncture
13 Association of Missouri in office at the time shall, at least ninety days prior to the expiration of
14 the term of a [board] **committee** member[, other than the public member,] or as soon as feasible
15 after a vacancy on the [board] **committee** otherwise occurs, submit to the director of the division
16 of professional registration a list of [five] **three** acupuncturists qualified and willing to fill the
17 vacancy in question, with the request and recommendation that the governor appoint one of the
18 [five] **three** persons so listed, and with the list so submitted, the president of the Acupuncture
19 Association of Missouri shall include in his or her letter of transmittal a description of the
20 method by which the names were chosen by that association.

21 2. [The initial appointments to the committee shall be one member for a term of one
22 year, one member for a term of two years, one member for a term of three years and two
23 members for a term of four years.

24 3. The public member of the committee shall not be and never has been a member of any
25 profession regulated by the provisions of sections 324.475 to 324.499, or the spouse of any such
26 person; and a person who does not have and never has had a material financial interest in either
27 the providing of the professional services regulated by the provisions of sections 324.475 to
28 324.499 or an activity or organization directly related to the profession regulated pursuant to
29 sections 324.475 to 324.499.

30 4.] Any member of the committee may be removed from the committee by the governor
31 for neglect of duty required by law, for incompetency or for unethical or dishonest conduct.
32 Upon the death, resignation, disqualification or removal of any member of the committee, the
33 governor shall appoint a successor. A vacancy in the office of any member shall only be filled
34 for the unexpired term.

35 [5.] 3. The [acupuncturist advisory] committee shall:

36 (1) Review all applications for licensure;

37 (2) Advise the board on all matters pertaining to the licensing of acupuncturists;

38 (3) Review all complaints and/or investigations wherein there is a possible violation of
39 sections 324.475 to 324.499 or regulations promulgated pursuant thereto and make
40 recommendations and referrals to the board on complaints the committee determines to warrant
41 further action;

42 (4) Follow the provisions of the board's administrative practice procedures in conducting
43 all official duties;

44 (5) Recommend for prosecution violations of sections 324.475 to 324.499 to an
45 appropriate prosecuting or circuit attorney;

46 (6) Assist the board, as needed and when requested by the board, in conducting any
47 inquiry or disciplinary proceedings initiated as a result of committee recommendation and
48 referral pursuant to subdivision (3) of this subsection.

324.481. 1. The board shall upon recommendation of the committee license applicants
2 who meet the qualifications for acupuncturists, who file for licensure, and who pay all fees
3 required for this licensure.

4 2. The board shall:

5 (1) Maintain a record of all board and committee proceedings regarding sections 324.475
6 to 324.499 and of all acupuncturists licensed in this state;

7 (2) Annually prepare a roster of the names and addresses of all acupuncturists licensed
8 in this state, copies of which shall be made available upon request to any person paying the fee
9 therefor;

10 (3) Set the fee for the roster at an amount sufficient to cover the actual cost of publishing
11 and distributing the roster;

12 (4) Adopt an official seal;

13 (5) Prescribe the design of all forms to be furnished to all persons seeking licensure
14 under sections 324.475 to 324.499;

15 (6) Prescribe the form and design of the license to be issued under sections 324.475 to
16 324.499;

- 17 (7) Inform licensees of any changes in policy, rules or regulations;
- 18 (8) Upon the recommendation of the committee, set all fees, by rule, necessary to
19 administer the provisions of sections 324.475 to 324.499.
- 20 3. The board may with the approval of the [advisory] committee:
- 21 (1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings
22 to deny, suspend or revoke licensure;
- 23 (2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out the provisions
24 of sections 324.475 to 324.499 including, but not limited to, regulations establishing:
- 25 (a) Standards for the practice of acupuncture;
- 26 (b) Standards for ethical conduct in the practice of acupuncture;
- 27 (c) Standards for continuing professional education;
- 28 (d) Standards for the training and practice of auricular detox technicians, including
29 specific enumeration of points which may be used.
- 30 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
31 is promulgated to administer and enforce sections 324.475 to 324.499, shall become effective
32 only if the agency has fully complied with all of the requirements of chapter 536, RSMo,
33 including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the
34 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and
35 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to
36 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held
37 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed
38 and contained in the order of rulemaking shall be invalid and void, except that nothing in this
39 section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.
- 40 5. All funds received by the board pursuant to the provisions of sections 324.240 to
41 324.275 shall be collected by the director who shall transmit the funds to the department of
42 revenue for deposit in the state treasury to the credit of the ["Acupuncturist Fund" which is
43 hereby created] **state board of chiropractic examiners and acupuncturists' fund. Effective**
44 **August 28, 2010, all moneys in the acupuncturist fund shall be transferred to the state**
45 **board of chiropractic examiners and acupuncturists' fund.**
- 46 6. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in
47 this fund shall not be transferred and placed to the credit of general revenue until the amount in
48 the fund at the end of the biennium exceeds three times the amount of the appropriation from the
49 acupuncturist fund for the preceding fiscal year. The amount, if any, in the fund which shall
50 lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations
51 from the acupuncturist fund for the preceding fiscal year.

- 331.030. 1. No person shall engage in the practice of chiropractic without having first
2 secured a chiropractic license as provided in this chapter.
- 3 2. Any person desiring to procure a license authorizing the person to practice chiropractic
4 in this state shall be at least twenty-one years of age and shall make application on the form
5 prescribed by the board. The application shall contain a statement that it is made under oath or
6 affirmation and that representations contained thereon are true and correct to the best knowledge
7 and belief of the person signing the application, subject to the penalties of making a false
8 affidavit or declaration, and shall give the applicant's name, address, age, sex, name of
9 chiropractic schools or colleges which the person attended or of which the person is a graduate,
10 and such other reasonable information as the board may require. The applicant shall give
11 evidence satisfactory to the board of the successful completion of the educational requirements
12 of [this chapter] **sections 331.010 to 331.115**, that the applicant is of good moral character, and
13 that the chiropractic school or college of which the applicant is a graduate is teaching
14 chiropractic in accordance with the requirements of [this chapter] **sections 331.010 to 331.115**.
15 The board may make a final determination as to whether or not the school from which the
16 applicant graduated is so teaching.
- 17 3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence
18 satisfactory to the board that the applicant has received the minimum number of semester credit
19 hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning
20 the doctoral course of study in chiropractic. The minimum number of semester credit hours
21 applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours
22 and course content as may be provided for by the Council on Chiropractic Education or, in the
23 absence of the Council on Chiropractic Education or its provision for such subjects, such hours
24 and course content as adopted by rule of the board; however in no event shall fewer than ninety
25 semester credit hours be accepted as the minimum number of hours required prior to beginning
26 the doctoral course of study in chiropractic. The examination applicant shall also provide
27 evidence satisfactory to the board of having graduated from a chiropractic college having status
28 with the Commission on Accreditation of the Council on Chiropractic Education or its successor.
29 Any senior student in a chiropractic college having status with the Commission on Accreditation
30 on the Council on Chiropractic Education or its successor may take a practical examination
31 administered or approved by the board under such requirements and conditions as are adopted
32 by the board by rule, but no license shall be issued until all of the requirements for licensure have
33 been met.
- 34 4. Each applicant shall pay upon application an application or examination fee. All
35 moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be

36 collected by the director of the division of professional registration who shall transmit it to the
37 department of revenue for deposit in the state treasury to the credit of the [chiropractic board
38 fund] **State Board of Chiropractic Examiners and Acupuncturists' fund**. Any person failing
39 to pass a practical examination administered or approved by the board may be reexamined upon
40 fulfilling such requirements, including the payment of a reexamination fee, as the board may by
41 rule prescribe.

42 5. Every applicant for licensure by examination shall have taken and successfully passed
43 all required and optional parts of the written examination given by the National Board of
44 Chiropractic Examiners, including the written clinical competency examination, under such
45 conditions as established by rule of the board, and all applicants for licensure by examination
46 shall successfully pass a practical examination administered or approved by the board and a
47 written examination testing the applicant's knowledge and understanding of the laws and
48 regulations regarding the practice of chiropractic in this state. The board shall issue to each
49 applicant who meets the standards and successful completion of the examinations, as established
50 by rule of the board, a license to practice chiropractic. The board shall not recognize any
51 correspondence work in any chiropractic school or college as credit for meeting the requirements
52 of [this chapter] **sections 331.010 to 331.115**.

53 6. The board shall issue a license without examination to persons who have been
54 regularly licensed to practice chiropractic in any other state, territory, or the District of Columbia,
55 or in any foreign country, provided that the regulations for securing a license in the other
56 jurisdiction are equivalent to those required for licensure in the state of Missouri, when the
57 applicant furnishes satisfactory evidence that the applicant has continuously practiced
58 chiropractic for at least one year immediately preceding the applicant's application to the board
59 and that the applicant is of good moral character, and upon the payment of the reciprocity license
60 fee as established by rule of the board. The board may require an applicant to successfully
61 complete the Special Purposes Examination for Chiropractic (SPEC) administered by the
62 National Board of Chiropractic Examiners if the requirements for securing a license in the other
63 jurisdiction are not equivalent to those required for licensure in the state of Missouri at the time
64 application is made for licensure under this subsection.

65 7. Any applicant who has failed any portion of the practical examination administered
66 or approved by the board three times shall be required to return to an accredited chiropractic
67 college for a semester of additional study in the subjects failed, as provided by rule of the board.

68 8. A chiropractic physician currently licensed in Missouri shall apply to the board for
69 certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each
70 such application shall be accompanied by the required fee. The board shall establish by rule the

71 minimum requirements for the specialty certification under this subsection. "Meridian
72 therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a
73 patient by stimulating specific points on or within the body by various methods including but not
74 limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and
75 short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve
76 stimulation.

77 9. The board may through its rulemaking process authorize chiropractic physicians
78 holding a current Missouri license to apply for certification in a specialty as the board may deem
79 appropriate and charge a fee for application for certification, provided that:

80 (1) The board establishes minimum initial and continuing educational requirements
81 sufficient to ensure the competence of applicants seeking certification in the particular specialty;
82 and

83 (2) The board shall not establish any provision for certification of licensees in a
84 particular specialty which is not encompassed within the practice of chiropractic as defined in
85 section 331.010.

331.070. 1. The board shall set the amount of the fees which [this chapter] **sections**
2 **331.010 to 331.115** authorizes and requires by rules and regulations promulgated pursuant to
3 section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not
4 substantially exceed the cost and expense of administering [this chapter] **sections 331.010 to**
5 **331.115**. All fees provided for in [this chapter] **sections 331.010 to 331.115** shall be collected
6 by the director of the division of professional registration who shall transmit them to the
7 department of revenue for deposit in the state treasury to the credit of a fund to be known as the
8 "State Board of Chiropractic Examiners' Fund". All the salaries and expenses for the operation
9 of the board shall be appropriated and paid from such fund; provided, however, the board shall
10 create no expense exceeding the sum received from time to time as fees. **The state board of**
11 **chiropractic examiners' fund shall, as of August 28, 2010, be renamed the "State Board of**
12 **Chiropractic Examiners and Acupuncturists' Fund"**.

13 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
14 this fund shall not be transferred and placed to the credit of general revenue until the amount in
15 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
16 board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less
17 frequently than yearly, then three times the appropriation from the board's funds for the preceding
18 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which
19 exceeds the appropriate multiple of the appropriations from the board's funds for the preceding
20 fiscal year.

334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to authorize the practice of medicine by any person not licensed by the state board of registration for the healing arts.

2. The provisions of sections 334.700 to 334.725 shall not apply to the following persons:

(1) Physicians and surgeons licensed by the state board of registration for the healing arts;

(2) Dentists licensed by the Missouri dental board who confine their practice strictly to dentistry;

(3) Optometrists licensed by the state board of optometry who confine their practice strictly to optometry, as defined in section 336.010, RSMo;

(4) Nurses licensed by the state board of nursing who confine their practice strictly to nursing;

(5) Chiropractors licensed by the state board of chiropractic examiners who confine themselves strictly to the practice of chiropractic, as defined in section 331.010, RSMo;

(6) Podiatrists licensed by the state board of chiropody or podiatry who confine their practice strictly to that of a podiatrist, as defined in section 330.010, RSMo;

(7) Professional physical therapists licensed by the state board of registration for the healing arts who confine their practice strictly to professional physical therapy, as defined in section 334.500;

(8) Coaches and physical education instructors in the performance of their duties;

(9) [Athletic training students] **Student athletic trainers** who confine themselves strictly to their duties as [defined in] **governed by** sections 334.700 to 334.725;

(10) Athletic trainers from other nations, states, or territories performing their duties for their respective teams or organizations if they restrict their duties only to their teams or organizations and only during the course of their teams' or organizations' stay in this state.

339.1100. Sections 339.1100 to 339.1240 shall be known and may be cited as the "Missouri Appraisal Management Company Registration and Regulation Act".

339.1105. As used in sections 339.1100 to 339.1240, unless the context otherwise requires, the following terms shall mean:

(1) **"Appraisal" or "real estate appraisal", an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis;**

7 (2) "Appraisal firm", a person, limited liability company, partnership, association,
8 or corporation whose principal is an appraiser licensed under sections 339.500 to 339.549
9 which for compensation prepares and communicates appraisals, reviews appraisals
10 prepared by others, provides appraisal consultation services, and supervises, trains, and
11 reviews work produced or certified by persons licensed under sections 339.500 to 339.549
12 who produces appraisals;

13 (3) "Appraisal management company", an individual or business entity that utilizes
14 an appraisal panel and performs, directly or indirectly, appraisal management services;

15 (4) "Appraisal management services", to directly or indirectly perform any of the
16 following functions on behalf of a lender, financial institution, client, or any other person:

17 (a) Administer an appraiser panel;

18 (b) Recruit, qualify, verify licensing or certification, and negotiate fees and service
19 level expectations with persons who are part of an appraiser panel;

20 (c) Receive an order for an appraisal from one person and deliver the order for the
21 appraisal to an appraiser that is part of an appraiser panel for completion;

22 (d) Track and determine the status of orders for appraisals;

23 (e) Conduct quality control of a completed appraisal prior to the delivery of the
24 appraisal to the person that ordered the appraisal; and

25 (f) Provide a completed appraisal performed by an appraiser to one or more
26 persons who have ordered an appraisal;

27 (5) "Appraisal review", the act or process of developing and communicating an
28 opinion about the quality of another appraiser's work that was performed as part of an
29 appraisal assignment, except that an examination of an appraisal for grammatical,
30 typographical, or other similar errors shall not be an appraisal review;

31 (6) "Appraiser", an individual who holds a license as a state licensed real estate
32 appraiser or certification as a state certified real estate appraiser under this chapter;

33 (7) "Appraiser panel", a network of licensed or certified appraisers that have:

34 (a) Responded to an invitation, request, or solicitation from an appraisal
35 management company, in any form, to perform appraisals for persons that have ordered
36 appraisals through the appraisal management company or to perform appraisals for the
37 appraisal management company directly; and

38 (b) Been selected and approved by an appraisal management company to perform
39 appraisals for any client of the appraisal management company that has ordered an
40 appraisal through the appraisal management company or to perform appraisals for the
41 appraisal management company directly;

42 (8) "Commission", the Missouri real estate appraisers commission created in
43 section 339.507;

44 (9) "Controlling person":

45 (a) An owner, officer or director of a corporation, partnership, or other business
46 entity seeking to offer appraisal management services in this state;

47 (b) An individual employed, appointed, or authorized by an appraisal management
48 company that has the authority to enter into a contractual relationship with other persons
49 for the performance of appraisal management services and has the authority to enter into
50 agreements with appraisers for the performance of appraisals; or

51 (c) An individual who possesses, directly or indirectly, the power to direct or cause
52 the direction of the management or policies of an appraisal management company;

53 (10) "State certified real estate appraiser", a person who develops and
54 communicates real estate appraisals and who holds a current valid certificate issued to the
55 person for either general or residential real estate under this chapter;

56 (11) "State licensed real estate appraiser", a person who holds a current valid real
57 estate appraiser license issued under this chapter.

339.1110. 1. No person shall directly or indirectly engage or attempt to engage in
2 business as an appraisal management company, to directly or indirectly engage or attempt
3 to perform appraisal management services, or to advertise or hold itself out as engaging
4 in or conducting business as an appraisal management company without first obtaining
5 a registration issued by the commission under sections 339.1100 to 339.1240.

6 2. The registration required by subsection 1 of this section shall, at a minimum,
7 include the following:

8 (1) Name of the entity seeking registration;

9 (2) Business address of the entity seeking registration which shall be located and
10 maintained within this state;

11 (3) Phone contact information of the entity seeking registration;

12 (4) If the entity is not a corporation that is domiciled in this state, the name and
13 contact information for the company's agent for service of process in this state;

14 (5) The name, address, and contact information for any individual or any
15 corporation, partnership, or other business entity that owns ten percent or more of the
16 appraisal management company;

17 (6) The name, address, and contact information for a designated controlling person
18 to be the primary communication source for the commission;

19 (7) A certification that the entity has a system and process in place to verify that a
20 person being added to the appraiser panel of the appraisal management company for
21 appraisal services to be performed in Missouri holds a license in good standing in Missouri,
22 if a license or certification is required to perform appraisals under section 339.1180;

23 (8) A certification that the entity has a system in place to review the work of all
24 appraisers who are performing real estate appraisal services for the appraisal management
25 company on a periodic basis to validate that the real estate appraisal services are being
26 conducted in accordance with Uniform Standards of Professional Appraisal Practice
27 (USPAP) under section 339.1185;

28 (9) A certification that the entity maintains a detailed record of each service request
29 that it receives for appraisal services within the state of Missouri and the appraiser who
30 performs the real estate appraisal services for the appraisal management company under
31 section 339.1190;

32 (10) An irrevocable Uniform Consent to Service of Process under section 339.1130;
33 and

34 (11) Any other reasonable information required by the commission to complete the
35 registration process.

 339.1115. Sections 339.1100 to 339.1240 shall not apply to:

2 (1) The performance of services as an appraisal firm;

3 (2) A national or state bank, federal or state savings institution, or credit union that
4 is subject to direct regulation or supervision by an agency of the United States government,
5 or by the department of insurance, financial institutions or professional registration, that
6 receives a request for the performance of an appraisal from one employee of the financial
7 institution, and another employee of the same financial institution assigns the request for
8 the appraisal to an appraiser who is an independent contractor to the institution. An entity
9 exempt as provided in this subdivision shall file a notice with the commission the
10 information required in section 339.1110;

11 (3) An appraiser that enters into an agreement, whether written or otherwise, with
12 an appraiser for the performance of an appraisal, and upon the completion of the
13 appraisal, the report of the appraiser performing the appraisal is signed by both the
14 appraiser who completed the appraisal and the appraiser who requested the completion
15 of the appraisal;

16 (4) A state agency or local municipality that orders appraisals for ad valorem tax
17 purposes or any other business on behalf of the state of Missouri;

18 (5) Any person licensed to practice law in this state, a court-appointed personal
19 representative, or a trustee who orders an appraisal in connection with a bona fide client
20 relationship when such person directly contracts with an independent appraiser.

339.1120. An applicant for a registration as an appraisal management company
2 shall submit to the commission an application containing the information required in
3 subsection 2 of section 339.1110 on a form prescribed by the commission.

339.1125. Registration shall be valid for two years from its issuance.

339.1130. Each entity applying for a registration as an appraisal management
2 company in Missouri shall complete an irrevocable Uniform Consent to Service of Process,
3 as prescribed by the commission.

339.1135. 1. The commission shall establish by rule the fee to be paid by each
2 appraisal management company seeking registration under sections 339.1100 to 339.1240,
3 such that the sum of the fees paid by all appraisal management companies seeking
4 registration under this section shall be sufficient for the administration of sections 339.1100
5 to 339.1240. The commission shall charge and collect fees to be utilized to fund activities
6 that may be necessary to carry out the provisions of this chapter.

2. Each applicant for registration shall post with the commission and maintain on
8 renewal a surety bond in the amount of twenty thousand dollars. The details of the bond
9 shall be prescribed by rule of the commission, however, the bond shall not be used to assist
10 appraisers in collection efforts of credit extended by the appraiser.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is
12 created under the authority delegated in sections 339.1100 to 339.1240 shall become
13 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
14 if applicable, section 536.028. Sections 339.1100 to 339.1240 and chapter 536 are
15 nonseverable and if any of the powers vested with the general assembly pursuant to
16 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
17 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
18 proposed or adopted after August 28, 2010, shall be invalid and void.

339.1140. 1. An appraisal management company applying for a registration in
2 Missouri shall not be more than ten percent owned by:

(1) A person who has had a license or certificate to act as an appraiser refused,
4 denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state;

(2) An entity that is more than ten percent owned by any person who has had a
6 license or certificate to act as an appraiser refused, denied, canceled, revoked, or
7 surrendered in lieu of a pending revocation in any state.

8 **2. Each person who owns more than ten percent of an appraisal management**
9 **company in this state shall:**

10 **(1) Be of good moral character, as determined by the commission; and**

11 **(2) Submit to a background investigation, as determined by the commission.**

12 **3. Each appraisal management company applying for registration shall certify to**
13 **the commission that it has reviewed each entity that owns more than ten percent of the**
14 **appraisal management company and that no entity that owns more than ten percent of the**
15 **appraisal management company is more than ten percent owned by any person who has**
16 **had a license or certificate to act as an appraiser refused, denied, cancelled, revoked, or**
17 **surrendered in lieu of a pending revocation.**

18 **4. Each appraisal management company shall notify the commission within thirty**
19 **days of a change in its controlling principal, agent of record, or ownership composition.**

339.1145. 1. Each appraisal management company applying to the commission for
2 **a registration in this state shall designate one compliance manager who will be the main**
3 **contact for all communication between the commission and the appraisal management**
4 **company.**

5 **2. The designated controlling person under subsection 1 of this section shall:**

6 **(1) Have never had a license or certificate to act as an appraiser refused, denied,**
7 **canceled, revoked, or surrendered in lieu of a pending revocation in any state;**

8 **(2) Be of good moral character, as determined by the commission; and**

9 **(3) Submit to a background investigation, as determined by the commission.**

339.1150. 1. An appraisal management company that applies to the commission
2 **for registration to do business in this state as an appraisal management company under**
3 **subdivision (1) of section 339.1115 shall not:**

4 **(1) Employ any person directly involved in appraisal management services who has**
5 **had a license or certificate to act as an appraiser in Missouri or in any other state refused,**
6 **denied, cancelled, revoked, or surrendered in lieu of a pending revocation;**

7 **(2) Knowingly enter into any independent contractor arrangement, whether in**
8 **verbal, written, or other form, with any person who has had a license or certificate to act**
9 **as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or**
10 **surrendered in lieu of a pending revocation;**

11 **(3) Knowingly enter into any contract, agreement, or other business relationship**
12 **directly involved with the performance of real estate appraisal or appraisal management**
13 **services, whether in verbal, written, or any other form, with any entity that employs, has**
14 **entered into an independent contract arrangement, or has entered into any contract,**

15 agreement, or other business relationship, whether in verbal, written, or any other form,
16 with any person who has ever had a license or certificate to act as an appraiser in Missouri
17 or in any other state, refused, denied, cancelled, revoked, or surrendered in lieu of a
18 pending revocation.

339.1155. Prior to placing an assignment for real estate appraisal services within
2 the state of Missouri with an appraiser on the appraiser panel of an appraisal management
3 company, the appraisal management company shall have a system in place to verify that
4 the appraiser receiving the assignment holds a credential in good standing in the state of
5 Missouri. Letters of engagement shall include instructions to the appraiser to decline the
6 assignment in the event the appraiser is not geographically competent or the assignment
7 falls outside the appraiser's scope of practice restrictions.

339.1160. Any employee or independent contractor of the appraisal management
2 company who performs an appraisal review shall be an individual who holds a license as
3 a state licensed real estate appraiser or certification as a state certified real estate appraiser
4 under this chapter. Letters of engagement shall include instructions to the appraiser to
5 decline the appraisal review assignment in the event the appraiser is not geographically
6 competent or the assignment falls outside the appraiser's scope of practice restrictions.

339.1170. Each appraisal management company seeking to be registered shall
2 certify to the commission on a biannual basis on a form prescribed by the commission that
3 the appraisal management company has a system and process in place to verify that an
4 individual being added to the appraiser panel of the appraisal management company holds
5 a license in good standing in this state under this chapter.

339.1175. Each appraisal management company seeking to be registered shall
2 certify to the commission on a biannual basis on a form prescribed by the commission that
3 the appraisal management company has a system in place to verify that an individual to
4 whom the appraisal management company is making an assignment for the completion of
5 an appraisal has not had a license or certification as an appraiser refused, denied,
6 cancelled, revoked, or surrendered in lieu of a pending revocation on a regular basis.

339.1180. Each registered appraisal management company shall certify to the
2 commission on a biannual basis that it has a system in place to perform an appraisal review
3 on a periodic basis of the work of all appraisers who are performing appraisals for the
4 appraisal management company to validate that the appraisals are being conducted in
5 accordance with Uniform Standards of Professional Appraisal Practice (USPAP). An
6 appraisal management company shall report to the commission the results of any appraisal

7 reviews in which an appraisal is found to be substantially noncompliant with USPAP or
8 state or federal laws pertaining to appraisals.

339.1185. 1. Each appraisal management company seeking to be registered shall
2 certify to the commission biannually that it maintains a detailed record of each service
3 request for appraisal services within the state of Missouri and that it receives of each
4 appraiser who performs an appraisal for the appraisal management company in the state
5 of Missouri.

6 2. All appraisal management company records shall be retained for five years.

339.1190. 1. An appraisal management company shall not prohibit its appraiser
2 who is part of an appraiser panel from recording the fee that the appraiser was paid by the
3 appraisal management company for the performance of the appraisal within the appraisal
4 report that is submitted by the appraiser to the appraisal management company.

5 2. An appraisal management company shall separately state to the client the fees
6 paid to an appraiser for appraisal services and the fees charged by the appraisal
7 management company for services associated with the management of the appraisal
8 process, including procurement of the appraiser's services.

339.1200. 1. No employee, director, officer, or agent of an appraisal management
2 company shall influence or attempt to influence the development, reporting, or review of
3 an appraisal through coercion, extortion, collusion, compensation, instruction, inducement,
4 intimidation, bribery or in any other manner, including but not limited to:

5 (1) Withholding or threatening to withhold timely payment for an appraisal, except
6 in cases of substandard performance or noncompliance with conditions of engagement;

7 (2) Withholding or threatening to withhold future business, or demoting,
8 terminating, or threatening to demote or terminate an appraiser;

9 (3) Expressly or impliedly promising future business, promotions, or increased
10 compensation for an appraiser;

11 (4) Conditioning the request for an appraisal or the payment of an appraisal fee or
12 salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary
13 estimate or opinion requested from an appraiser;

14 (5) Requesting that an appraiser provide an estimated, predetermined, or desired
15 valuation in an appraisal report, or provide estimated values or comparable sales at any
16 time prior to the appraiser's completion of an appraisal;

17 (6) Providing to an appraiser an anticipated, estimated, encouraged, or desired
18 value for a subject property or a proposed or target amount to be loaned to the borrower,
19 except that a copy of the sales contract for purchase transactions may be provided;

20 (7) Providing to an appraiser, or any entity or person related to the appraiser, stock
21 or other financial or nonfinancial benefits;

22 (8) Allowing the removal of an appraiser from an appraiser panel without prior
23 written notice to such appraiser;

24 (9) Any other act or practice that knowingly impairs or attempts to impair an
25 appraiser's independence, objectivity, or impartiality;

26 (10) Requiring an appraiser to collect an appraisal fee on behalf of the appraisal
27 management company from the borrower, homeowner, or other third party; or

28 (11) Requiring an appraiser to indemnify an appraisal management company or
29 hold an appraisal management company harmless for any liability, damage, losses, or
30 claims arising out of the services performed by the appraisal management company, and
31 not the services performed by the appraiser.

32 2. Nothing in subsection 1 of this section shall prohibit the appraisal management
33 company from requesting that an appraiser:

34 (1) Provide additional information about the basis for a valuation; or

35 (2) Correct objective factual errors in an appraisal report; or

36 (3) Provide additional information with the appraisal regarding additional sales
37 provided through an established dispute process.

339.1205. An appraisal management company shall not:

2 (1) Require an appraiser to modify any aspect of an appraisal report unless the
3 modification complies with section 339.1200;

4 (2) Require an appraiser to prepare an appraisal report if the appraiser, in the
5 appraiser's own professional judgment, believes the appraiser does not have the necessary
6 expertise for the assignment or for the specific geographic area, and has notified the
7 appraisal management company and declined the assignment;

8 (3) Require an appraiser to prepare an appraisal under a time frame that the
9 appraiser, in the appraiser's own professional judgment, believes does not afford the
10 appraiser the ability to meet all the relevant legal and professional obligations, and has
11 notified the appraisal management company and declined the assignment;

12 (4) Prohibit or inhibit legal or other allowable communication between the
13 appraiser and:

14 (a) The lender;

15 (b) A real estate licensee; or

16 (c) Any other person from whom the appraiser, in the appraiser's own professional
17 judgment, believes information would be relevant;

- 18 **(5) Knowingly require the appraiser to do anything that does not comply with:**
19 **(a) Uniformed Standards of Professional Appraisal Practice (USPAP);**
20 **(b) The Missouri certified and licensed real estate appraisers act established under**
21 **this chapter; or**
22 **(c) Any assignment conditions and certifications required by the client;**
23 **(6) Make any portion of the appraiser's fee or the appraisal management**
24 **company's fee contingent on a predetermined or favorable outcome, including but not**
25 **limited to:**
26 **(a) A loan closing; or**
27 **(b) Specific dollar amount being achieved by the appraiser in the appraisal report.**

339.1210. Each appraisal management company shall, except in cases of breach of
2 **contract or substandard performance of services, make payment to an appraiser for the**
3 **completion of an appraisal or valuation assignment within thirty days, unless a mutually**
4 **agreed upon alternate payment schedule exists, from when the appraiser transmits or**
5 **otherwise provides the completed appraisal or valuation study to the appraisal**
6 **management company or its assignee.**

339.1215. 1. An appraisal management company shall not alter, modify, or
2 **otherwise change a completed appraisal report submitted by an appraiser by:**

- 3 **(1) Permanently removing the appraiser's signature or seal; or**
4 **(2) Adding information to, or removing information from, the appraisal report with**
5 **an intent to change the valuation conclusion.**

6 **2. No registered appraisal management company shall require an appraiser to**
7 **provide the appraisal management company with the appraiser's digital signature or seal.**

339.1220. 1. The commission shall issue a unique registration number to each
2 **appraisal management company.**

3 **2. The commission shall publish a list of the appraisal management companies that**
4 **have registered under sections 339.1100 to 339.1240 and have been issued a registration**
5 **number.**

6 **3. An appraisal management company shall be required to disclose the registration**
7 **number on each engagement letter utilized in assigning an appraisal request for real estate**
8 **appraisal assignments within the state of Missouri.**

339.1230. 1. Except within the first thirty days after an appraiser is first added to
2 **the appraiser panel of an appraisal management company, an appraisal management**
3 **company shall not remove an appraiser from its appraiser panel or otherwise refuse to**
4 **assign requests for real estate appraisal services to an appraiser without:**

5 (1) Notifying the appraiser in writing of the reasons why the appraiser is being
6 removed from the appraiser panel of the appraisal management company;

7 (2) If the appraiser is being removed from the panel for illegal conduct, violation
8 of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of
9 state licensing standards, describing the nature of the alleged conduct or violation; and

10 (3) Providing an opportunity for the appraiser to respond to the notification of the
11 appraisal management company.

12 2. An appraiser who is removed from the appraiser panel of an appraisal
13 management company for alleged illegal conduct, violation of the Uniform Standards of
14 Professional Appraisal Practice (USPAP), or violation of state licensing standards may file
15 a complaint with the commission for a review of the decision of the appraisal management
16 company; except that, in no case shall the commission make any determination regarding
17 the nature of the business relationship between the appraiser and the appraisal
18 management company which is unrelated to the actions specified in subsection 1 of this
19 section.

20 3. If after notice and an opportunity for hearing and review, the commission
21 determines that an appraiser did not commit a violation of law, a violation of the Uniform
22 Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing
23 standards, the commission shall order that such appraiser be added to the appraiser panel
24 of the appraisal management company.

25 4. If the commission has found that the appraisal management company acted
26 improperly in removing the appraiser from the appraiser panel, an appraisal management
27 company shall not refuse to make assignments for real estate appraisal services to an
28 appraiser, or reduce the number of assignments, or otherwise penalize the appraiser.

339.1235. 1. The commission may censure an appraisal management company,
2 conditionally or unconditionally suspend or revoke any registration issued under sections
3 339.1100 to 339.1240, or impose civil penalties not to exceed two thousand five hundred
4 dollars for each offense. Each day of a continued violation constitutes a separate offense,
5 with a maximum penalty of twenty-five thousand dollars. In determining the amount of
6 penalty to be imposed, the commission may consider if an appraisal management company
7 is:

8 (1) Knowingly committing any act in violation of sections 339.1100 to 339.1240;

9 (2) Violating any rule adopted by the commission; or

10 (3) Procuring a license by fraud, misrepresentation, or deceit.

2 **339.1240. The conduct of adjudicatory proceedings for violations of this section is**
3 **vested in the commission, provided:**

4 **(1) Before censuring any registrant, or suspending or revoking any registration, the**
5 **commission shall notify the registrant in writing of any charges made at least twenty days**
6 **before the hearing and shall afford the registrant an opportunity to be heard in person or**
7 **by counsel; and**

8 **(2) Written notice shall be satisfied by personal service on the controlling person**
9 **of the registrant, or the registrant's agent for service of process in this state, or by sending**
10 **the notice by certified mail, return receipt requested to the controlling person of the**
11 **registrant to the registrant's address on file with the commission.**

12 344.060. 1. The [director of the department of health and senior services] **governor**
13 shall appoint **with the advice and consent of the senate** ten suitable persons who together with
14 the director of the department of health and senior services or the director's designee shall
15 constitute the "Missouri Board of Nursing Home Administrators" which is hereby created within
16 the department of health and senior services and which shall have the functions, powers and
17 duties prescribed by sections 344.010 to 344.108.

18 2. In addition to the director of the department of health and senior services or the
19 director's designee the membership of the board shall consist of one licensed physician, two
20 licensed health professionals, one person from the field of health care education, four persons
21 who have been in general administrative charge of a licensed nursing home for a period of at
22 least five years immediately preceding their appointment, and two public members. In addition
23 to these qualifications, the physician, the two licensed health care professionals, and the health
24 care educator shall be citizens of the United States and taxpaying residents of the state of
25 Missouri for one year preceding their appointments. The four appointees who have been in
26 general administrative charge of a licensed nursing home shall be citizens of the United States
27 and either residents of the state of Missouri for one year preceding their appointments or persons
28 who have been licensed by the board and whose five years of employment in a licensed nursing
29 home immediately preceding their appointment have occurred in the state of Missouri. The
30 public members shall be citizens of the United States, residents of the state of Missouri for one
31 year preceding their appointment, and registered voters. The public members shall be persons
32 who are not, or never were, licensed nursing home administrators or the spouse of such persons,
33 or persons who do not have or never have had a material, financial interest in either the providing
34 of licensed nursing home services or in an activity or organization directly related to licensed
35 nursing home administration. Neither the one licensed physician, the two licensed health

25 professionals, nor the person from the health care education field shall have any financial interest
26 in a licensed nursing home.

27 3. The members of the board shall be appointed for three-year terms or until their
28 successors are appointed and qualified provided that no more than four members' terms shall
29 expire in the same year. [All members appointed prior to September 28, 1979, shall serve the
30 term for which they were appointed.] The governor shall fill any vacancies on the board as
31 necessary. Appointment to fill an unexpired term shall not be considered an appointment for a
32 full term. Board membership, continued until successors are appointed and qualified, shall not
33 constitute an extension of the three-year term and the successors shall serve only the remainder
34 of the term.

35 4. Every member shall receive a certificate of appointment; and every appointee, before
36 entering upon his or her duties, shall take the oath of office required by article VII, section 11,
37 of the Constitution of Missouri.

38 5. Any member of the board may be removed by the [director of the department of health
39 and senior services] **governor** for misconduct, incompetency or neglect [to] **of** duty after first
40 being given an opportunity to be heard in his or her own behalf.

361.070. 1. The director of finance and all employees of the division of finance, which
2 term shall, for purposes of this section and section 361.080, include special agents, shall, before
3 entering upon the discharge of their duties, take the oath of office prescribed by the constitution,
4 and, in addition, take an oath that they will not reveal the conditions or affairs of any financial
5 institution or any facts pertaining to the same, that may come to their knowledge by virtue of
6 their official positions, unless required by law to do so in the discharge of the duties of their
7 offices or when testifying in any court proceeding. For purposes of this section and section
8 361.080, "financial institution" shall mean any entity subject to chartering, licensing, or
9 regulation by the division of finance.

10 2. The director of finance and all employees of the division of finance shall further
11 execute to the state of Missouri good and sufficient bonds with corporate surety, to be approved
12 by the governor and attorney general, conditioned that they will faithfully and impartially
13 discharge the duties of their offices, and pay over to the persons entitled by law to receive it, all
14 money coming into their hands by virtue of their offices. The principal amount of bond
15 applicable to each employee shall be determined by the state banking **and savings and loan**
16 board. The bond, after approval by the governor and attorney general, shall be filed with the
17 secretary of state for safekeeping. The bond premiums, not to exceed one percent on the amount
18 thereof, shall be paid out of the state treasury in the same manner as other expenses of the
19 division.

20 3. Neither the director of finance nor any employees of the division of finance who
21 participate in the examination of any bank or trust company, or who may be called upon to make
22 any official decision or determination affecting the operation of any bank or trust company, other
23 than the [banker] members of the state banking **and savings and loan** board **who are required**
24 **to have experience managing a bank or association as defined in chapter 369**, shall be an
25 officer, director, attorney, owner, or holder of stock in any bank or trust company or any bank
26 holding company as that term is defined in section 362.910, RSMo, nor shall they receive,
27 directly or indirectly, any payment or gratuity from any such organization, nor engage in the
28 negotiation of loans for others with any state bank or trust company, nor be indebted to any state
29 bank or trust company.

30 4. The director of finance, in connection with any examination or investigation of any
31 person, company, or event, shall have the authority to compel the production of documents, in
32 whatever form they may exist, and shall have the authority to compel the attendance of and
33 administer oaths to any person having knowledge of any issue involved with the examination or
34 investigation. The director may seek judicial enforcement of an administrative subpoena by
35 application to the appropriate court. An administrative subpoena shall be subject to the same
36 defenses or subject to a protective order or conditions as provided and deemed appropriate by
37 the court in accordance with the Missouri Supreme Court Rules.

 361.092. There is hereby created a "State Banking **and Savings and Loan** Board" which
2 shall have such powers and duties as are conferred upon it by law. The state banking **and**
3 **savings and loan** board with all of its powers, duties, and functions is assigned by type III
4 transfer under the authority of the Omnibus State Reorganization Act of 1974 [and executive
5 order 06-04] to the department of insurance, financial institutions and professional registration.

 361.093. The state banking **and savings and loan** board shall advise [with] the director
2 of finance as to the proper administration of his office and the banking laws of this state and
3 make recommendations to the general assembly as to changes in these laws.

 361.094. 1. The state banking **and savings and loan** board shall with reasonable
2 promptness hear and by order determine all appeals permitted by law from refusals of the
3 director of finance to grant certificates of incorporation to the proposed incorporators of banks,
4 from refusals of the director of finance to issue certificates permitting changes in the articles of
5 agreement of banks to provide for the relocation of these banks in other communities, from
6 refusals of the director of finance to grant certificates of incorporation to the proposed
7 incorporators of trust companies, and from refusals of the director of finance to issue certificates
8 permitting changes in the articles of agreement of trust companies to provide for the relocation
9 of these trust companies in other communities.

10 2. The state banking **and savings and loan** board shall hear and by order determine an
11 appeal from the action of the director granting the incorporation or relocation of a bank or trust
12 company upon application filed within ten days after the director's action by a bank, trust
13 company, national banking association or other persons claiming to be adversely affected
14 thereby. The application shall state the grounds upon which it is alleged that the action of the
15 director should be stayed, reversed or altered. In reviewing an application for appeal, the board
16 shall have access to all of the records and information used by the director in making his
17 decision. A decision shall be rendered on the appeal within ninety days from the date of the
18 application for appeal.

19 3. The board shall establish such rules as may be necessary to give effect to the
20 provisions of this section. The rules may provide that the board or the chairman of the board
21 may delegate responsibility for the conduct of investigations and the hearing of appeals provided
22 under any section of this law to a member of the board or to a hearing officer designated by the
23 board. Such hearing officer shall have the power to administer oaths, subpoena witnesses,
24 compel the production of records pertinent to any hearing, and take any action in connection with
25 such hearing which the board itself is authorized to take by law other than making the final
26 decision and appropriate order. When the hearing has been completed, the individual board
27 member or the hearing officer who conducted the hearing shall prepare a summary thereof and
28 recommend a findings of fact, conclusions of law, decision and appropriate order for approval
29 of the board. The board may adopt such recommendations in whole or in part, require the
30 production of additional testimony, reassign the case for rehearing, or may itself conduct such
31 new or additional hearing as is deemed necessary prior to rendering a final decision.

361.095. 1. The state banking **and savings and loan** board shall make rules and
2 regulations, consistent with applicable law, for the proceedings in connection with the appeals
3 provided for in section 361.094. No rule or portion of a rule promulgated under the authority of
4 this chapter shall become effective unless it has been promulgated pursuant to the provisions of
5 section 536.024, RSMo.

6 2. The costs of the appeal shall be assessed against the losing party, and the board may
7 require the deposit of a reasonable sum for the payment of costs at the time the appeal is brought.

8 3. At any hearing provided for in section 361.094 the director of the division of finance
9 shall be deemed a party, and any person claiming to be adversely affected and any bank, trust
10 company or national banking association located in the city or town and county in which the
11 proposed bank or trust company is to be located upon incorporation or relocation may intervene.

12 4. The director of the division of finance shall act in accordance with any order of the
13 state banking **and savings and loan** board made pursuant to section 361.094, but the order of

14 the board shall be subject to judicial review as provided by law. Whether or not any review shall
15 operate as a stay of the board's order shall be determined by the board.

361.096. 1. At any hearing provided for in section 361.094, the state banking **and**
2 **savings and loan** board, or any member thereof, shall have power to administer oaths.

3 2. In connection with any such hearing, the board, or any member thereof, shall issue
4 subpoenas and subpoenas duces tecum on the board's own motion or at the request of any
5 intervenor or other party, which subpoenas or subpoenas duces tecum shall extend to all parts
6 of the state and shall be signed by the secretary of the board or by any other member thereof.
7 The board shall have power, on motion after due notice, for good cause to quash or modify any
8 subpoena or subpoena duces tecum on the grounds that the same is unduly burdensome,
9 unreasonable or oppressive. Subpoenas and subpoenas duces tecum may be served as in the case
10 of subpoenas in civil actions in the circuit court and each witness who shall appear before the
11 board in obedience to a subpoena or subpoena duces tecum shall receive for his attendance the
12 fees and mileage provided for witnesses in civil actions in the circuit court, which shall be paid
13 by the party at whose instance such subpoena or subpoena duces tecum was issued. In case of
14 refusal of a witness to obey any such subpoena or subpoena duces tecum, or to testify when
15 lawfully required to do so, the board may apply to a judge of the circuit court of the county of
16 the hearing or of any county where the witness resides or may be found, for an order upon such
17 witness to show cause why such subpoena or subpoena duces tecum should not be enforced, or
18 the witness required to give such testimony, which said order and a copy of the application
19 therefor shall be served upon the witness in the same manner as a summons in a civil action, and
20 if said circuit court shall, after a hearing, determine that the subpoena or subpoena duces tecum
21 should be sustained and enforced, or that the witness should be required to give such testimony,
22 said court shall make an order to enforce such subpoena or subpoena duces tecum, or compel
23 such testimony and may enforce such order as in the case of a subpoena or subpoena duces
24 tecum, or refusal to testify, in a civil action in the circuit court.

361.097. 1. The state banking **and savings and loan** board shall consist of five
2 members who shall be appointed by the governor, the senate concurring. No person shall be
3 eligible for appointment unless he [shall be] **or she is** a resident of this state. One member shall
4 be an attorney at law and a member of the Missouri Bar in good standing. Two members shall
5 each have had at least [ten years'] **five years of active bank management** experience in this
6 state [as an officer or director or partly as an officer and partly as a director of one or more state
7 banks or trust companies or national banking associations, of which at least five years shall have
8 been full-time, active bank management experience]. **One member shall have had at least five**
9 **years of active management experience in this state of one or more associations as defined**

10 **in chapter 369.** [The two other members] **One member** shall be [nonbankers] **an individual**
11 **who is not involved in the administration of a financial institution.** Not more than three
12 members of the board shall be members of the same political party. [The term of office of the
13 board first appointed shall in the case of one member be two years; in the case of two members
14 shall be four years; and in the case of the other two members shall be six years; with all said
15 terms beginning August 29, 1955. All subsequent terms shall be for a term of six years from the
16 expiration of the preceding term. The governor shall designate one member as chairman and
17 another member as secretary of the board.]

18 **2. The term of office of each member of the state banking and savings and loan**
19 **board shall be six years. The board shall select its own chairman and secretary.** The
20 members of the state banking **and savings and loan** board shall hold office for the respective
21 terms for which they are appointed and until their successors shall qualify. Vacancies [in said]
22 **on such** board shall be filled by appointment for the unexpired term in the same manner as in
23 the case of an original appointment.

361.098. 1. The members of the state banking **and savings and loan** board shall receive
2 as compensation for their services the sum of one hundred dollars per day while discharging their
3 duties, and shall be entitled to receive their necessary traveling and other expenses incurred while
4 actually engaged in the performance of their duties as such members.

5 2. A majority of the members of the board shall constitute a quorum for the transaction
6 of any business, for the performance of any duty or for the exercise of any power of the board.

7 3. The board may meet and exercise its powers in any place in this state and shall meet
8 at any time upon the call of its chairman or of the director of the division of finance or of any two
9 members of the board.

10 4. The board shall have an official seal bearing the inscription, "State Banking **and**
11 **Savings and Loan** Board of the State of Missouri", which shall be judicially noticed.

361.105. 1. The director of finance, with the approval of the state banking **and savings**
2 **and loan** board, shall have power to adopt, promulgate, amend and repeal rules and regulations
3 necessary or desirable to carry out the duties assigned to the division by law relating to banks and
4 trust companies and which are not inconsistent with the constitution or laws of this state. A copy
5 of every rule and regulation shall be mailed to each bank and trust company, postage prepaid,
6 at least fifteen days in advance of its effective date; except that the failure of a bank or trust
7 company to receive a copy of a rule or regulation shall not exempt it from the duty of compliance
8 with a rule or regulation lawfully promulgated hereunder. The director, in the exercise of the
9 power to make rules and regulations hereunder, shall act in the interests of promoting and
10 maintaining a sound banking system and sound trust companies, the security of deposits and

11 depositors and other customers, the preservation of the liquid position of banks and in the interest
12 of preventing injurious credit expansions and contractions.

13 2. No rule or portion of a rule promulgated under the authority of this chapter shall
14 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
15 RSMo.

 362.040. In case the director shall not be satisfied, as the result of the examination, that
2 the character, responsibility and general fitness of the persons named in the articles of agreement
3 are up to the standard above provided, or that the convenience and needs of the community to
4 be served justify and warrant the opening of the new bank or trust company therein, or that the
5 probable volume of business in such locality is sufficient to insure and maintain the solvency of
6 the new bank and the solvency of the then existing banks or trust companies in the locality,
7 without endangering the safety of any bank or trust company in the locality as a place of deposit
8 of public and private moneys; and on these accounts or any one of them shall refuse to grant the
9 certificate of incorporation, [he] **the director** shall forthwith give notice thereof to the proposed
10 incorporators from whom the articles of agreement were received, who, if they so desire, may
11 within ten days thereafter appeal from the refusal to the state banking **and savings and loan**
12 board.

 362.105. 1. Every bank and trust company created under the laws of this state may for
2 a fee or other consideration, directly or through a subsidiary company, and upon complying with
3 any applicable licensing statute:

4 (1) Conduct the business of receiving money on deposit and allowing interest thereon
5 not exceeding the legal rate or without allowing interest thereon, and of buying and selling
6 exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or
7 personal property, and upon collateral of personal security at a rate of interest not exceeding that
8 allowed by law, and also of buying, investing in, selling and discounting negotiable and
9 nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and
10 for all loans and discounts made, the corporation may receive and retain the interest in advance;

11 (2) Accept for payment, at a future date, drafts drawn upon it by its customers and to
12 issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its
13 correspondents at sight or on time not exceeding one year; provided, that no bank or trust
14 company shall incur liabilities under this subdivision to an amount equal at any time in the
15 aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with
16 the approval of the director under such general regulations as to amount of acceptances as the
17 director may prescribe;

18 (3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve
19 Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank
20 pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act"
21 and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and
22 exercise all powers, not in conflict with the laws of this state, which are conferred upon any
23 member by the Federal Reserve Act and any amendments thereto. The member bank or trust
24 company and its directors, officers and stockholders shall continue to be subject, however, to all
25 liabilities and duties imposed upon them by any law of this state and to all the provisions of this
26 chapter relating to banks or trust companies;

27 (4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation
28 and to make such payments to and to make such deposits with the Federal Deposit Insurance
29 Corporation and to pay such assessments made by such corporation as will enable the bank or
30 trust company to obtain the benefits of the insurance of deposits under the act of Congress known
31 as "The Banking Act of 1933" and any amendments thereto;

32 (5) Invest in a bank service corporation as defined by the act of Congress known as the
33 "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same
34 extent as provided by that act or any amendment thereto;

35 (6) Hold a noncontrolling equity interest in any business entity that conducts only
36 activities that are financial in nature or incidental to financial activity or that is established
37 pursuant to subdivision (16) of this subsection where the majority of the stock or other interest
38 is held by Missouri banks, Missouri trust companies, national banks located in Missouri, or any
39 foreign bank with a branch or branches in Missouri, or any combination of these financial
40 institutions; provided that if the entity is defined pursuant to Missouri law as any type of
41 financial institution subsidiary or other type of entity subject to special conditions or regulations,
42 those conditions and regulations shall remain applicable, and provided that such business entity
43 may be formed as any type of business entity, in which each investor's liability is limited to the
44 investment in and loans to the business entity as otherwise provided by law;

45 (7) Receive upon deposit for safekeeping personal property of every description, and to
46 own or control a safety vault and rent the boxes therein;

47 (8) Purchase and hold the stock of one safe deposit company organized and existing
48 under the laws of the state of Missouri and doing a safe deposit business on premises owned or
49 leased by the bank or trust company at the main banking house and any branch operated by the
50 bank or trust company; provided, that the purchasing and holding of the stock is first duly
51 authorized by resolution of the board of directors of the bank or trust company and by the written
52 approval of the director, and that all of the shares of the safe deposit company shall be purchased

53 and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales
54 or transfers or pledges in violation hereof to be void;

55 (9) Act as the fiscal or transfer agent of the United States, of any state, municipality,
56 body politic or corporation and in such capacity to receive and disburse money, to transfer,
57 register and countersign certificates of stock, bonds and other evidences of indebtedness;

58 (10) Acquire or convey real property for the following purposes:

59 (a) Real property conveyed to it in satisfaction or part satisfaction of debts previously
60 contracted in the course of its business; and

61 (b) Real property purchased at sales under judgment, decrees or liens held by it;

62 (11) Purchase, hold and become the owner and lessor of personal property acquired upon
63 the specific request of and for use of a customer; and, in addition, leases that neither anticipate
64 full purchase price repayment on the leased asset, nor require the lease to cover the physical life
65 of the asset, other than those for motor vehicles which will not be used by bank or trust company
66 personnel, and may incur such additional obligations as may be incident to becoming an owner
67 and lessor of the property, subject to the following limitations:

68 (a) Lease transactions do not result in loans for the purpose of section 362.170, but the
69 total amount disbursed under leasing obligations or rentals by any bank to any person,
70 partnership, association, or corporation shall at no time exceed the legal loan limit permitted by
71 statute except upon the written approval of the director of finance;

72 (b) Lease payments are in the nature of rent rather than interest, and the provisions of
73 chapter 408, RSMo, are not applicable;

74 (12) Contract with another bank or trust company, bank service corporation or other
75 partnership, corporation, association or person, within or without the state, to render or receive
76 services such as check and deposit sorting and posting, computation and posting of interest and
77 other credits and charges, preparation and mailing of checks, statements, notices, and similar
78 items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar
79 services, or the storage, transmitting or processing of any information or data; except that, the
80 contract shall provide, to the satisfaction of the director of finance, that the party providing such
81 services to a bank or trust company will be subject to regulation and examination to the same
82 extent as if the services were being performed by the bank or trust company on its own premises.
83 This subdivision shall not be deemed to authorize a bank or trust company to provide any
84 customer services through any system of electronic funds transfer at places other than bank
85 premises;

86 (13) Purchase and hold stock in a corporation whose only purpose is to purchase, lease,
87 hold or convey real property of a character which the bank or trust company holding stock in the

88 corporation could itself purchase, lease, hold or convey pursuant to the provisions of paragraph
89 (a) of subdivision (10) of this subsection; provided, the purchase and holding of the stock is first
90 duly authorized by resolution of the board of directors of the bank or trust company and by the
91 written approval of the director, and that all of the shares of the corporation shall be purchased
92 and held by the bank or trust company and shall not be sold or transferred except as a whole;

93 (14) Purchase and sell investment securities, without recourse, solely upon order and for
94 the account of customers; and establish and maintain one or more mutual funds and offer to the
95 public shares or participations therein. Any bank which engages in such activity shall comply
96 with all provisions of chapter 409, RSMo, regarding the licensing and registration of sales
97 personnel for mutual funds so offered, provided that such banks shall register as a broker-dealer
98 with the office of the commissioner of securities and shall consent to supervision and inspection
99 by that office and shall be subject to the continuing jurisdiction of that office;

100 (15) Make debt or equity investments in corporations or projects, whether for profit or
101 not for profit, designed to promote the development of the community and its welfare, provided
102 that the aggregate investment in all such corporations and in all such projects does not exceed
103 five percent of the unimpaired capital of the bank, and provided that this limitation shall not
104 apply to loans made under the authority of other provisions of law, and other provisions of law
105 shall not limit this subdivision;

106 (16) Offer through one or more subsidiaries any products and services which a national
107 bank may offer through its financial subsidiaries, subject to the limitations that are applicable to
108 national bank financial subsidiaries, and provided such bank or trust company meets the division
109 of finance safety and soundness considerations. This subdivision is enacted to provide in part
110 competitive equality with national banks' powers under the Gramm-Leach-Bliley Act of 1999,
111 Public Law 106-102.

112 2. In addition to the power and authorities granted in subsection 1 of this section, and
113 notwithstanding any limitations therein, a bank or trust company may:

114 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real property and
115 improvements thereto suitable for the convenient conduct of its functions. The bank may derive
116 income from renting or leasing such real property or improvements or both. If the purchase or
117 lease of such real property or improvements exceeds the legal loan limit or is from an officer,
118 director, employee, affiliate, principal shareholder or a related interest of such person, prior
119 approval shall be obtained from the director of finance; and

120 (2) Loan money on real estate and handle escrows, settlements and closings on real estate
121 for the benefit of the bank's customers, as a core part of the banking business, notwithstanding
122 any other provision of law to the contrary.

123 3. In addition to the powers and authorities granted in subsection 1 of this section, every
124 trust company created under the laws of this state shall be authorized and empowered to:

125 (1) Receive money in trust and to accumulate the same at such rate of interest as may be
126 obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

127 (2) Accept and execute all such trusts and perform such duties of every description as
128 may be committed to it by any person or persons whatsoever, or any corporation, and act as
129 assignee, receiver, trustee and depositary, and to accept and execute all such trusts and perform
130 such duties of every description as may be committed or transferred to it by order, judgment or
131 decree of any courts of record of this state or other states, or of the United States;

132 (3) Take, accept and hold, by the order, judgment or decree of any court of this state, or
133 of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or
134 bequest of any person or corporation, any real or personal property in trust, and to execute and
135 perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions,
136 limitations and restrictions which may be declared, imposed, established or agreed upon in and
137 by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

138 (4) Buy, invest in and sell all kinds of stocks or other investment securities;

139 (5) Execute, as principal or surety, any bond or bonds required by law to be given in any
140 proceeding, in law or equity, in any of the courts of this state or other states, or of the United
141 States;

142 (6) Act as trustee, personal representative, or conservator or in any other like fiduciary
143 capacity;

144 (7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic, in
145 the management and control of real or personal property, the sale or conveyance of same, the
146 investment of money, and for any other lawful purpose.

147 4. (1) In addition to the powers and authorities granted in this section, the director of
148 finance may, from time to time, with the approval of the state banking **and savings and loan**
149 board, issue orders granting such other powers and authorities as have been granted to financial
150 institutions subject to the supervision of the federal government to:

151 (a) State-chartered banks and trust companies which are necessary to enable such banks
152 and trust companies to compete;

153 (b) State-chartered banks and trust companies to establish branches to the same extent
154 that federal law permits national banks to establish branches;

155 (c) Subsidiaries of state-chartered banks and trust companies to the same extent powers
156 are granted to national bank subsidiaries to enable such banks and trust companies to compete;

157 (d) State-chartered banks and trust companies to establish trust representative offices to
158 the same extent national banks are permitted such offices.

159 (2) The orders shall be promulgated as provided in section 361.105, RSMo, and shall
160 not be inconsistent with the constitution and the laws of this state.

161 5. As used in this section, the term "subsidiary" shall include one or more business
162 entities of which the bank or trust company is the owner, provided the owner's liability is limited
163 by the investment in and loans to the subsidiary as otherwise provided for by law.

164 6. A bank or trust company to which authority is granted by regulation in subsection 4
165 of this section, based on the population of the political subdivision, may continue to exercise
166 such authority for up to five years after the appropriate decennial census indicates that the
167 population of the town in which such bank or trust company is located has exceeded the limits
168 provided for by regulation pursuant to subsection 4 of this section.

362.111. A bank or trust company may impose fees or service charges on deposit
2 accounts; however, such fees or service charges are subject to such conditions or requirements
3 that may be fixed by regulations pursuant to section 361.105, RSMo, by the director of the
4 division of finance and the state banking **and savings and loan** board. Notwithstanding any law
5 to the contrary, no such condition or requirement shall be more restrictive than the fees or service
6 charges on deposit accounts or similar accounts permitted any federally chartered depository
7 institution.

362.325. 1. Any bank or trust company may, at any time, and in any amount, increase
2 or, with the approval of the director, reduce its capital stock (as to its authorized but unissued
3 shares, its issued shares, and its capital stock as represented by such issued shares), including a
4 reduction of capital stock by reverse stock split, change its name, change or extend its business
5 or the length of its corporate life, avail itself of the privileges and provisions of this chapter or
6 otherwise change its articles of agreement in any way not inconsistent with the provisions of this
7 chapter, with the consent of the persons holding a majority of the stock of the bank or trust
8 company, which consent shall be obtained at an annual meeting or at a special meeting of the
9 shareholders called for that purpose. A bank or trust company may, but shall not be obligated
10 to, issue a certificate for a fractional share, and, by action of its board of directors, may in lieu
11 thereof, pay cash equal to the value of the fractional share.

12 2. The meeting shall be called and notice given as provided in section 362.044.

13 3. If, at any time and place specified in the notice, stockholders shall appear in person
14 or by proxy, in number representing not less than a majority of all the shares of stock of the bank
15 or trust company, they shall organize by choosing one of the directors **as** chairman of the

16 meeting, and a suitable person for secretary, and proceed to a vote of those present in person or
17 by proxy.

18 4. If, upon a canvass of the vote at the meeting, it is ascertained that the proposition has
19 carried, it shall be so declared by the president of the meeting and the proceedings entered of
20 record.

21 5. When the full amount of the proposed increase has been bona fide subscribed and paid
22 in cash to the board of directors of the bank or trust company or the change has been duly
23 authorized, then a statement of the proceedings, showing a compliance with the provisions of this
24 chapter, the increase of capital actually subscribed and paid up or the change shall be made out,
25 signed and verified by the affidavit of the president and countersigned by the cashier, or
26 secretary, and such statement shall be acknowledged by the president and one certified copy filed
27 in the public records of the division of finance.

28 6. Upon the filing of the certified copy the director shall promptly satisfy himself or
29 herself that there has been a compliance in good faith with all the requirements of the law
30 relating to the increase, decrease or change, and when he or she is so satisfied he or she shall
31 issue a certificate that the bank or trust company has complied with the law made and provided
32 for the increase or decrease of capital stock, and the amount to which the capital stock has been
33 increased or decreased or for the change in the length of its corporate life or any other change
34 provided for in this section. Thereupon, the capital stock of the bank or trust company shall be
35 increased or decreased to the amount specified in the certificate or the length of the corporate life
36 of the bank shall be changed or other authorized change made as specified in the certificate. The
37 certificate, or certified copies thereof, shall be taken in all the courts of the state as evidence of
38 the increase, decrease or change.

39 7. Provided, however, that if the change undertaken by the bank or trust company in its
40 articles of agreement shall provide for the relocation of the bank or trust company in another
41 community, the director shall make or cause to be made an examination to ascertain whether the
42 convenience and needs of the new community wherein the bank desires to locate are such as to
43 justify and warrant the opening of the bank therein and whether the probable volume of business
44 at the new location is sufficient to ensure and maintain the solvency of the bank and the solvency
45 of the then existing banks and trust companies at the location, without endangering the safety of
46 any bank or trust company in the locality as a place of deposit of public and private moneys, and,
47 if the director, as a result of the examination, be not satisfied in the particulars mentioned or
48 either of them, he or she may refuse to issue the certificate applied for, in which event he or she
49 shall forthwith give notice of his or her refusal to the bank applying for the certificate, which if

50 it so desires may, within ten days thereafter, appeal from the refusal to the state banking **and**
51 **savings and loan** board.

52 8. All certificates issued by the director of finance relating to amendments to the charter
53 of any bank shall be provided to the bank or trust company and one certified copy filed in the
54 public records of the division of finance.

55 9. The board of directors may designate a chief executive officer, and such officer will
56 replace the president for purposes of this section.

369.014. As used in this chapter, unless the context clearly requires a different meaning,
2 the following words and terms shall have the meanings indicated:

3 (1) "Account", the monetary interest of the owner thereof in the deposit capital of an
4 association and consists of the withdrawal value of such interest;

5 (2) "Agency", a place of business other than the home office or a branch office at which
6 an agent of the association transacts authorized business of the association;

7 (3) "Association", a savings and loan association or a savings association subject to the
8 provisions of this chapter;

9 (4) **"Board", the state banking and savings and loan board established under**
10 **chapter 361;**

11 (5) "Branch", a place of business other than the home office at which is transacted
12 authorized business of the association;

13 [(5)] (6) "Capital", the capital stock and any other capital contributions in a capital stock
14 association;

15 [(6)] (7) "Capital stock", shares of nonwithdrawable capital issued by a capital stock
16 association which may be issued as permitted under chapter 351, RSMo;

17 [(7)] (8) "Capital stock association", an association which issues capital stock;

18 [(8) "Commission", the state savings and loan commission;]

19 (9) "County" includes the city of St. Louis;

20 (10) "Deposit capital", the aggregate of deposits in accounts plus earnings credited
21 thereto less lawful deductions therefrom;

22 (11) "Director of the division of finance", the chief officer of the division of finance;

23 (12) "Earnings", that part of the net income of an association which is payable to or
24 credited to the owners of accounts. Earnings do not include capital stock, dividends paid or
25 payable on capital stock or other distributions thereon. Earnings also may be referred to as
26 interest;

27 (13) "Federal association" or "federal savings association", an association chartered by
28 the Office of Thrift Supervision or any successor thereto as provided in section 5 of the Home
29 Owners Loan Act of 1933, as amended;

30 (14) "Foreign association", any association or federal association with its principal office
31 located outside Missouri;

32 (15) "Foreign holding company", any company or corporation authorized or existing
33 under the laws of any jurisdiction or authority other than Missouri which directly or indirectly
34 controls a foreign association;

35 (16) "Home office", the location named in the articles of incorporation or the new
36 location in place thereof approved by the director of the division of finance. If no location is
37 named in the articles of incorporation, the association shall file with the director of the division
38 of finance the location of its home office;

39 (17) "Impaired condition", the inability of an association to pay its debts as they become
40 due in the usual course of its business;

41 (18) "Insured association", an association the accounts of which are insured, fully or in
42 part, as provided in this chapter;

43 (19) "Liquid assets", cash on hand and on deposit with banks including federal home
44 loan banks and such other assets as may be so designated from time to time by the director of the
45 division of finance;

46 (20) "Member", a person owning an account of a mutual association or a person
47 borrowing from or assuming or obligated upon or owning property securing a loan held by a
48 mutual association;

49 (21) "Mutual association", an association not having capital stock;

50 (22) "Office", any place at which business of the association is conducted on a regular
51 and continuing basis;

52 (23) "Person", any individual, corporation, entity, voting trust, business trust,
53 partnership, association, syndicate, or organized group of persons whether incorporated or not;

54 (24) "Security instrument", mortgage, deed of trust, or other instrument in which real or
55 personal property is security for a debt;

56 (25) "Stockholder", a person owning capital stock of a capital stock association;

57 (26) "Withdrawal value", the amount deposited in an account in an association plus
58 earnings credited thereto less lawful deductions therefrom.

369.024. 1. Upon receipt of a petition for certificate of incorporation, the director of the
2 division of finance shall, based upon the petition and all supporting information and upon such
3 independent investigation and examination as the director may make, either refuse the petition

4 or tentatively approve it. The petition shall be refused if the director of the division of finance
5 finds that the proposed association is to be formed for any other than legitimate savings and loan
6 purposes, or that the character and general fitness of the incorporators, or of the initial
7 stockholders, if any, are not such as to command public confidence, or that the proposed
8 directors and officers are not such as to tend to the success of the proposed association, or that
9 the public convenience and advantage will not be promoted by its establishment, or that there
10 is no public need for, or the volume of business in the location is insufficient to justify, another
11 association. The refusal shall be in writing with the reasons therefor stated and shall be sent by
12 registered mail to the chairman of incorporators.

13 2. If the director of the division of finance tentatively approves the petition, the director
14 shall give written notice to each association and each federal association with an office in the
15 county or in a county adjoining the county in which the proposed association is to be located,
16 stating the name of the proposed association, where it proposes to establish the principal office
17 of the association and that a petition for certificate of incorporation has been approved
18 tentatively. Any association entitled to receive notice may within thirty days from the date of
19 mailing of the notice make written protest to the director of the division of finance against the
20 granting of the petition for incorporation. If no protest is filed within that time, the director of
21 the division of finance shall make a final decision upon the petition either denying or granting
22 the petition and notice thereof shall be sent by registered mail to the chairman of incorporators.

23 3. If a protest is filed, the director of the division of finance shall, if requested, and may
24 on the director's own motion, conduct a hearing not less than ten nor more than thirty days
25 following the end of the time for protest. Upon application of any party for good cause, or upon
26 the director of the division of finance's own motion, the date of the hearing may be postponed.
27 Notice shall be given stating the time and place of the hearing to the chairman of incorporators
28 and to each protesting party. Any interested person may appear at the hearing in person or by
29 counsel and offer any relevant evidence. Following the hearing the director of the division of
30 finance shall deny or grant the petition and give written notice of the director's decision to all
31 interested parties.

32 4. The petition shall not be granted, either with or without the hearing provided for in
33 this section, except upon affirmative findings from all the evidence that the requirements of
34 sections 369.010 to 369.369 have been complied with and that:

35 (1) The persons named in the petition are citizens of the United States of good character
36 and responsibility; and

37 (2) There is a necessity for the proposed association in the area to be served by it; and

38 (3) There is a reasonable probability of usefulness and success of the proposed
39 association; and

40 (4) The proposed association can be established without undue injury to any properly
41 conducted association or federal association.

42 5. The director of the division of finance may, either with or without the hearing
43 provided for in this section, and the **state banking and savings and loan [commission] board**
44 may upon an appeal from the ruling of the director of the division of finance, require as a
45 condition of approving the petition that the proposed association obtain a firm commitment for
46 insurance of its accounts from the Federal Deposit Insurance Corporation or any successor
47 thereto or from any agency of this state insuring savings accounts or from any other insurer
48 approved by the director of the division of finance.

49 6. If the petition is approved, the director of the division of finance shall, upon receipt
50 of the sworn statement of the chairman of incorporators that the initial savings accounts and the
51 expense fund provided for in sections 369.010 to 369.369 have been paid in full in cash, or, if
52 a capital stock association, all subscriptions for capital stock have been paid in full, certify the
53 approval of the petition in writing to the secretary of state and deliver to the secretary of state the
54 incorporation fee and [two copies] **one copy** of the articles of incorporation. From the time of
55 such approval, the association shall be subject to all provisions of sections 369.010 to 369.369
56 and to supervision and control by the director of the division of finance. The secretary of state
57 shall thereupon issue the certificate of incorporation.

369.144. Each association incorporated pursuant to or operating under the provisions of
2 sections 369.010 to 369.369 has all the powers enumerated, authorized, and permitted by
3 sections 369.010 to 369.369 and such other rights, privileges, and powers as may be incidental
4 to or reasonably necessary to exercise such powers granted herein. Among others, and except
5 as otherwise limited by the provisions of sections 369.010 to 369.369, each association has the
6 following powers:

7 (1) To have perpetual existence; to adopt and use a corporate seal, which may be affixed
8 by imprint, facsimile, or otherwise; and to adopt and amend bylaws as provided in sections
9 369.010 to 369.369;

10 (2) To sue and be sued, complain and defend in any court of law or equity;

11 (3) To acquire, hold, sell, dispose of and convey real and personal property; and to
12 mortgage, pledge, or lease any real or personal property in the exercise of the powers granted
13 herein; provided, however, that such leasing activities are limited to the extent permitted a
14 federal association;

15 (4) To borrow from sources, individual or corporate. All such loans and advances may
16 be secured by property of the association, and may be evidenced by such notes, bonds,
17 debentures, or other obligations or securities as the director of the division of finance may
18 authorize for all associations;

19 (5) To obtain and maintain insurance of its accounts by the Federal Deposit Insurance
20 Corporation or any successor thereto, or by any agency of this state insuring accounts in
21 associations, or by any other insurer approved by the director of the division of finance, and may
22 comply with conditions necessary to obtain and maintain such insurance;

23 (6) To qualify as and become a member of a Federal Home Loan Bank;

24 (7) In addition to the powers and authorities granted in this section, the director of the
25 division of finance may, from time to time, with the approval of the [commission] **state banking**
26 **and savings and loan board**, issue regulations granting such other powers and authorities as
27 have been granted to federal associations subject to the supervision of the Office of Thrift
28 Supervision or any successor thereto which are necessary to enable associations to compete. The
29 regulations shall be promulgated as provided in this chapter and shall not be inconsistent with
30 the constitution and laws of this state;

31 (8) To appoint officers, agents, and employees as its business shall require and to provide
32 them suitable compensation; to enter into employment contracts not to exceed five years in
33 duration; to provide for life, health and casualty insurance for officers, employees and directors
34 who are not officers, and to adopt and operate reasonable bonus plans, retirement benefits and
35 deferred compensation plans for such officers and employees; to adopt and operate stock option
36 and similar incentive compensation programs by capital stock associations; and to provide for
37 indemnification of its officers, employees and directors as prescribed or permitted by sections
38 369.010 to 369.369 whether by insurance or otherwise;

39 (9) To become a member of, deal with, or make reasonable payments or contributions
40 to any organization to the extent that such organization assists in furthering or facilitating the
41 association's purposes, powers or community responsibilities, and to comply with any reasonable
42 conditions of eligibility;

43 (10) To sell money orders, travel checks and similar instruments drawn by it on its
44 commercial bank accounts, accounts it has with the district Federal Home Loan Bank or as agent
45 for any organization empowered to sell such instruments through agents within the state;

46 (11) When an association is a member of a Federal Home Loan Bank, to act as fiscal
47 agent of the United States, and, when so designated by the Secretary of the Treasury, to perform,
48 under such regulations as the Secretary may prescribe, all such reasonable duties as fiscal agents

49 for the United States as the Secretary may require; and to act as agent for any instrumentality of
50 the United States and as agent of this state or any instrumentality thereof;

51 (12) To service loans and investments for others;

52 (13) When an association is insured, to act as trustee of any trust created or organized
53 in the United States and forming part of a stock bonus, pension, or profit-sharing plan which
54 qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue
55 Code of 1954 as amended, if the funds of such trust are invested only in accounts or deposits in
56 such association or in obligations or securities issued by such association. All funds held in such
57 fiduciary capacity by any such association may be commingled for appropriate purposes of
58 investment, but individual records shall be kept by the fiduciary for each participant and shall
59 show in proper detail all transactions engaged in under the authority of this subdivision;

60 (14) To act as agent for others in any transaction incidental to the operation of its
61 business;

62 (15) To accept deposits, and to lend and invest its funds as provided in sections 369.010
63 to 369.369;

64 (16) To use abbreviations, words or symbols in connection with any document of any
65 nature and on checks, proxies, notices and other instruments, which abbreviations, words, or
66 symbols shall have the same force and legal effect as though the respective words and phrases
67 for which they stand were set forth in full;

68 (17) To act as custodian or keeper of microfilm records of other savings associations or
69 place microfilm records of the association for storage and safekeeping with another association;

70 (18) To make donations in reasonable amounts for the public welfare or for charitable,
71 scientific, religious, or educational purposes;

72 (19) To act as agent for any electric, gas, water, telephone or other public utility company
73 operating within this state in receiving moneys due such company for utility services furnished
74 by such company;

75 (20) To enter into agreements with others to supply data processing services and for the
76 use of data processing equipment owned or controlled by the association.

369.159. An association may impose fees or service charges on accounts; however, such
2 fees or service charges are subject to such conditions or requirements that may be fixed by
3 regulations pursuant to section 369.301 by the director of the division of finance and the [state
4 savings and loan commission] **board**. Notwithstanding any law to the contrary, no such
5 condition or requirement shall be more restrictive than the fees or service charges on deposit
6 accounts or similar accounts permitted any federally chartered depository institution.

369.294. 1. The director of the division of finance and examiners shall not be interested
2 in an association directly or indirectly either as creditor (except that each may be an account
3 holder and receive earnings thereon), director, officer, employee, trustee, attorney or borrower
4 (except for a loan on the home property owned and occupied by the director or examiner or a
5 share loan), nor shall any one of them receive directly or indirectly any payment, compensation
6 or gratuity from any association.

7 2. The director, the examiners and all employees of the division of finance and members
8 of the [state savings and loan commission] **board** shall not divulge any information acquired in
9 the discharge of their duties except insofar as required by law or order of court. The director
10 may, however, furnish information to the Office of Thrift Supervision or any successor thereto,
11 the Federal Deposit Insurance Corporation or any successor thereto, any federal home loan bank
12 or savings departments of other states.

369.299. The director of the division of finance shall:

2 (1) Exercise all rights, powers and duties set forth in sections 369.010 to 369.369 or as
3 may be otherwise provided by law;

4 (2) Establish, amend, supplement and revoke, subject to the approval of the [state
5 savings and loan commission] **board**, all regulations authorized by the provisions of sections
6 369.010 to 369.369 and such additional regulations as may be reasonable or necessary to provide
7 for the organization, incorporation, examination, operation, and regulation of associations, and
8 service corporations, and the director may by regulation provide that an association shall have
9 all powers, rights, and privileges which it would have from time to time if organized and
10 operating in Missouri as a federal association under the laws of the United States. The director
11 shall deliver by mail to each association a copy of any proposed regulation or change in an
12 existing regulation. If five or more associations protest the proposed regulation or change and
13 request a hearing thereon within fifteen days thereafter, the director shall conduct a hearing
14 before acting thereon;

15 (3) Direct and supervise all the activities of the office;

16 (4) Exercise general supervision over all associations and all corporations which are
17 owned in whole or in part by an association or associations;

18 (5) Upon request of the governor make a report in writing to the governor on or before
19 the first day of March as to the financial condition as of December thirty-first of the preceding
20 year of each association;

21 (6) Have charge of the execution of laws relating to savings associations with authority
22 to sue in the director's name to enforce any law of this state applying to an association or to a

23 corporation in which an association has an interest, or applying to the officers, directors or
24 employees of any association.

369.314. The [commission] **board** shall:

2 (1) Approve or disapprove each regulation proposed by the director of the division of
3 finance pertaining to savings and loan associations; and

4 (2) Hear and determine any appeal [from] **permitted by law, including but not limited**
5 **to** an order or decision of the director pertaining to the incorporation, relocation or branching of
6 savings and loan associations, **which shall be conducted as provided in chapter 361.**

369.329. No association may establish or maintain a branch office or agency without the
2 prior written approval of the director of the division of finance, except that temporary and
3 incidental agencies may be created for individual transactions and for special temporary purposes
4 without such approval. Each application for approval of the establishment and maintenance of
5 a branch office or one or more agencies shall state the proposed location of the branch office or
6 agency, the functions to be performed at the office or agency, the estimated volume of business
7 at the branch office or agency, the estimated annual expense of the branch office or agency and
8 the mode of payments for the branch office or agency and such additional matters as the director
9 of the division of finance by regulation may require. Each such application shall be accompanied
10 by a budget of the association for the current earnings period and for the next succeeding
11 semiannual period, which reflects the estimated additional expense of the maintenance of each
12 such branch office or agency. No branch application shall be granted if, in the opinion of the
13 director or a majority of the members of the [commission] **board** on appeal, the policies,
14 condition or operation of the applicant afford a basis for supervisory objection to the application.
15 The director of the division of finance may hold a hearing at the director's discretion on the
16 application in accordance with such procedures as the director by regulation may require.

371.060. 1. Immediately upon the filing of the certificate of organization by the
2 applicants, the director of finance shall submit to the state banking **and savings and loan** board
3 the proposed articles of incorporation and the certificate of organization of the applicants and as
4 soon as practicable thereafter the state banking **and savings and loan** board shall direct the
5 director of finance to issue to the applicants a certificate of incorporation in such form as it may
6 prescribe, if the board, from the best information available, determines that

7 (1) Public convenience and necessity require the development finance corporation;

8 (2) The holders of the fully paid stock of the corporation are at least ten in number;

9 (3) That not less than two hundred fifty shares of no par value stock issued at one
10 hundred dollars per share have been subscribed and fully paid for in cash;

11 (4) The bylaws and regulations submitted, if any, are in conformity with the articles of
12 incorporation and the provisions of this chapter and not in conflict with any law of this state.

13 2. The director of finance shall return to the applicants one of the articles of
14 incorporation submitted to him and shall endorse thereon the issuance by him of the certificate
15 of incorporation.

371.090. 1. The articles of incorporation may be amended by a majority vote of the
2 stockholders at any regular meeting or at a special meeting called for that purpose.

3 2. Articles of amendment signed by the president or vice president and attested by the
4 secretary certifying to the amendment and its lawful adoption shall be executed, acknowledged
5 and filed with the director of finance and, when approved by the state banking **and savings and**
6 **loan** board, recorded with a certificate of the director of finance approving the articles of
7 amendment, in the same manner as the original articles of incorporation. As soon as the director
8 of finance issues his certificate of amendment the amendment is in effect.

371.240. 1. Any corporation organized under this chapter, after the payment in full and
2 cancellation of all its bonds and other obligations issued under the provisions of this chapter, or
3 after the deposit in trust with the respective trustees designated in any deeds of trust given to
4 secure the payment of any such obligation of a sum of money sufficient for the purpose, may
5 dissolve by the vote of a majority of the stockholders at any regular meeting or at a special
6 meeting called for that purpose.

7 2. A certificate of dissolution shall be signed by the president or vice president and
8 attested by the secretary, certifying to the dissolution and that they have been authorized by
9 lawful action of the stockholders to execute and file such certificate. The certificate of
10 dissolution shall be executed, acknowledged and filed with the director of finance and, when
11 approved by the state banking **and savings and loan** board, shall be recorded in the same
12 manner as the original articles of incorporation. When the director has endorsed the approval
13 of the state banking **and savings and loan** board on the certificate of dissolution the corporation
14 is deemed to be dissolved.

15 3. The corporation shall, however, continue for the purpose of paying, satisfying and
16 discharging any other existing liabilities or obligations and for collecting or liquidating its assets,
17 and doing all other acts required to adjust and wind up its business and affairs, and may sue and
18 be sued in its corporate name.

19 4. Any assets remaining after all liabilities and obligations have been satisfied shall be
20 distributed pro rata among the stockholders of the corporation.

386.715. 1. The public counsel shall, prior to the beginning of each fiscal year,
2 **make available to the commission an estimate of the expenses to be incurred by the public**

3 counsel during such fiscal year, reasonably attributable to his or her responsibilities with
4 respect to public utilities under sections 386.700 and 386.710 and shall also separately
5 estimate the amount of such expenses directly attributable to such responsibilities with
6 respect to each of the following groups of public utilities: electrical corporations, gas
7 corporations, water corporations, heating companies, telephone corporations, telegraph
8 corporations, sewer corporations, and any other public utility as defined in section 386.020,
9 as well as the amount of such expenses not directly attributable to any such group.

10 2. The public counsel shall allocate to each such group of public utilities the
11 estimated expenses directly attributable to his or her responsibilities under sections 386.700
12 to 386.710 with respect to such group and an amount equal to such proportion of the
13 estimated expenses not directly attributable to any group as the gross intrastate operating
14 revenues of such group during the three preceding calendar years bears to the total gross
15 intrastate operating revenues of all public utilities subject to the jurisdiction of the
16 commission during such calendar years. The amount so allocated to telephone
17 corporations shall not exceed ten percent of the total estimated expenses directly
18 attributable to the public counsel's responsibilities under sections 386.700 to 386.710. The
19 commission shall then assess, on behalf of the public counsel, the amount so allocated to
20 each group of public utilities, subject to reduction as provided in this section, to the public
21 utilities in such group in proportion to its respective gross intrastate operating revenues
22 during the preceding calendar year. The total amount so assessed to all such public
23 utilities shall not exceed two hundredths of one percent of the total gross intrastate
24 operating revenues of all utilities subject to the jurisdiction of the commission. Nothing in
25 this section shall authorize the commission to determine how the public counsel allocates
26 the estimated expenses directly attributable to his or her responsibilities under sections
27 386.700 and 386.710 with respect to public utilities described in subsection 1 of this section
28 or how the assessment imposed under this section is spent by the public counsel.

29 3. On behalf of the public counsel, the commission shall render a statement of such
30 assessment to each such public utility on or before July first and the amount so assessed
31 to each such public utility shall be paid by it to the director of revenue in full on or before
32 July fifteenth next following the rendition of such statement, except that any such public
33 utility may at its election pay such assessment in four equal installments not later than the
34 following dates next following the rendition of such statement, to wit: July fifteenth,
35 October fifteenth, January fifteenth and April fifteenth. The director of revenue shall
36 remit such payments to the state treasurer.

37 **4. The state treasurer shall credit such payments to a special fund, which is hereby**
38 **created, to be known as "The Public Counsel Fund", which fund, or its successor fund**
39 **created under section 33.571, shall be devoted solely to the payment of expenditures**
40 **actually incurred by the public counsel and attributable to his or her responsibilities under**
41 **sections 386.700 to 386.710 with respect to such public utilities subject to the jurisdiction**
42 **of the commission. Any amount remaining in such special fund or its successor fund at the**
43 **end of any fiscal year shall not revert to the general revenue fund, but shall be applicable**
44 **by appropriation of the general assembly to the payment of such expenditures of the public**
45 **counsel in the succeeding fiscal year and shall be applied by the public counsel to the**
46 **reduction of the amount to be assessed to such public utilities in such succeeding fiscal**
47 **year, such reduction to be allocated to each group of public utilities in proportion to the**
48 **respective gross intrastate operating revenues of the respective groups during the**
49 **preceding calendar year.**

50 **5. In order to enable the public counsel to make the allocations and assessments**
51 **provided for in this section, each public utility subject to the jurisdiction of the commission**
52 **shall file with the commission on or before March thirty-first of each year, a statement**
53 **under oath showing its gross intrastate operating revenues for the preceding calendar year,**
54 **and if any public utility shall fail to file such statement within the time established in this**
55 **subsection, the commission shall estimate such revenue. Such estimate shall be binding on**
56 **such public utility for the purpose of this section.**

620.580. Sections 620.580 to 620.592 shall be known and may be cited as the
2 **"Missouri Community Service Act".**

620.582. As used in sections 620.580 to 620.592, the following terms mean:

- 2 **(1) "Act", the national and community service act of 1990, as amended;**
3 **(2) "Commission", the Missouri community service commission created by sections**
4 **620.580 to 620.592;**
5 **(3) "Community service programs", the performance of tasks designed primarily**
6 **to address educational, public safety, human, or environmental needs at a local, regional,**
7 **state, or multistate level;**
8 **(4) "Corporation", the corporation for national and community service authorized**
9 **by the act;**
10 **(5) "National service position", a placement in a community service program**
11 **whereby an individual may earn an educational award, as authorized by the act;**
12 **(6) "National service laws", the act and other federal legislation that authorizes or**
13 **may authorize community service activities in states.**

2 **620.584. 1. The Missouri community service commission is assigned to the**
3 **department of economic development.**

4 **2. The commission is established to make community service the common**
5 **expectation and experience of all Missourians with a special concentration on Missouri's**
6 **young people. The commission shall focus its efforts primarily on issues related to**
7 **education, public safety, human needs and the environment.**

8 **3. The commission shall work to renew the ethic of civic responsibility in Missouri**
9 **and to involve and enroll citizens in service opportunities that benefit Missouri while**
10 **offering citizens skills that can be used to further their own plans for education, for a**
11 **career, or for continuing community services. The commission shall build on the existing**
12 **organizational framework of state, local, and community-based programs and agencies to**
13 **expand full-time and part-time service opportunities for all citizens, but particularly**
14 **Missouri's youth.**

15 **620.586. 1. The commission shall include fifteen voting members appointed by the**
16 **governor with the advice and consent of the senate. The commission shall include the**
17 **following voting members:**

18 **(1) A representative of local government;**

19 **(2) The commissioner of the department of elementary and secondary education**
20 **or the designee of such person;**

21 **(3) An individual with experience in promoting the involvement of older adults in**
22 **service and volunteerism;**

23 **(4) A representative of a national service program;**

24 **(5) An individual with expertise in the educational, training, and development**
25 **needs of youth, particularly disadvantaged youth;**

26 **(6) An individual between the ages of sixteen and twenty-five years who is a**
27 **participant in or supervisor of a service program for school age youth, or a campus-based**
28 **or national service program;**

29 **(7) A representative of community-based agencies or organizations in the state;**

30 **(8) A representative of labor organizations;**

31 **(9) A member representing the business community;**

32 **(10) The lieutenant governor or his or her designee;**

33 **(11) A representative of the volunteer sector; and**

34 **(12) Four other members, appointed by the governor, provided that no more than**
35 **twenty percent of the voting members are officers or employees of the state, and provided**

22 further that not more than fifty percent plus one of the voting members of the commission
23 are members of the same political party.

24

25 The governor may appoint any number of other nonvoting, ex officio members who shall
26 serve at the pleasure of the governor.

27 2. The commission shall include at least one nonvoting ex officio member appointed
28 by the governor. One such member shall be a representative from the corporation for
29 national and community service.

30 3. Appointments to the commission shall reflect the race, ethnicity, age, gender, and
31 disability characteristics of the population of the state as a whole.

32 4. Voting members shall serve renewable terms of three years, except that of the
33 first members appointed, one-third shall serve for a term of one year, one-third shall serve
34 for a term of two years, and one-third shall serve for a term of three years. If a commission
35 vacancy occurs, the governor shall appoint a new member to serve for the remainder of the
36 unexpired term. Vacancies shall not affect the power of the remaining members to execute
37 the commission's duties.

38 5. The members of the commission shall receive no compensation for their services
39 on the commission, but shall be reimbursed for ordinary and necessary expenses incurred
40 in the performance of their duties.

41 6. The voting members of the commission shall elect one of their members to serve
42 as chairperson of the commission. The voting members may elect such other officers as
43 deemed necessary.

44 7. The commission shall meet at least quarterly.

620.588. 1. The commission shall have the following powers and duties:

2 (1) To ensure that its funding decisions meet all federal and state statutory
3 requirements;

4 (2) To prepare for this state an annual national service plan that follows state and
5 federal guidelines;

6 (3) To recommend innovative statewide service programs to increase volunteer
7 participation and community-based problem solving by all age groups and among diverse
8 participants;

9 (4) To utilize local, state, and federal resources to initiate, strengthen, and expand
10 quality service programs;

11 (5) To promote interagency collaboration to maximize resources and develop a
12 model of such collaboration on the state level;

13 **(6) To oversee the application process to apply for corporation grants and funds,**
14 **and for approval of service positions;**

15 **(7) To establish priorities, policies, and procedures for the use of funds received**
16 **under national service laws and for funds deposited into the community service**
17 **commission fund established in section 620.592;**

18 **(8) To provide technical assistance for applicants to plan and implement service**
19 **programs and to apply for assistance under the national service laws;**

20 **(9) To solicit and accept gifts, contributions, grants, bequests, or other aid from any**
21 **person, business, organization or foundation, public or private and from federal, state or**
22 **local government or any agency of federal, state or local government.**

23 **2. The commission shall have other powers and duties in addition to those listed in**
24 **subsection 1 of this section, including:**

25 **(1) To utilize staff within the department of economic development, the office of a**
26 **designated statewide elected official or other executive departments as needed for this**
27 **purpose; and**

28 **(2) To enter into contracts with individuals, organizations, and institutions within**
29 **amounts available for this purpose.**

620.590. 1. All state agencies, the University of Missouri extension system, and any
2 **unit of local government, including school districts, may share information and cooperate**
3 **with the commission to enable it to perform the functions assigned to it by state and federal**
4 **law.**

5 **2. Any state agency that operates or plans to establish a community service**
6 **program may coordinate its efforts with the commission.**

620.592. 1. There is hereby created in the state treasury the "Community Service
2 **Commission Fund". The state treasurer shall deposit to the credit of the fund all moneys**
3 **which may be appropriated to it by the general assembly and also any gifts, contributions,**
4 **grants, bequests, or other aid received from federal, private, or other sources. The general**
5 **assembly may appropriate moneys into the fund for the support of the commission and its**
6 **activities. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the**
7 **fund shall not revert to the credit of the general revenue fund at the end of the biennium.**

8 **2. The commission shall submit an annual report of its activities to the speaker of**
9 **the house of representatives, the president pro tem of the senate, and the governor before**
10 **January thirty-first of each year.**

 620.638. As used in sections 620.635 to 620.653, the following terms mean:

- 2 (1) ["Board", the Missouri seed capital investment board, as established pursuant to
3 section 620.641;
- 4 (2) "Committed contributions", the total amount of qualified contributions that are
5 committed to a qualifying fund by contractual agreement;
- 6 [(3)] (2) "Corporation", the Missouri technology corporation as established pursuant to
7 section 348.251, RSMo;
- 8 [(4)] (3) "Department", the department of economic development;
- 9 [(5)] (4) "Director", the director of the department of economic development;
- 10 [(6)] (5) "Follow-up capital", capital provided to a qualified business in which a
11 qualified fund has previously invested seed capital or start-up capital. No more than forty percent
12 of the qualified contributions to a qualified fund may be used for follow-up capital, and no
13 qualified contributions which generate tax credits before the second round of allocations as
14 authorized by section 620.650 shall be used for follow-up capital investments;
- 15 [(7)] (6) "Person", any individual, corporation, partnership, limited liability company
16 or other entity, including any charitable organization which is exempt from federal income tax
17 and whose Missouri unrelated business taxable income, if any, would be subject to the state
18 income tax imposed under chapter 143, RSMo;
- 19 [(8)] (7) "Positive cash flow", total cash receipts from sales or services, but not from
20 investments or loans, exceeding total cash expenditures as calculated on a fiscal year basis;
- 21 [(9)] (8) "Qualified business", any independently owned and operated business which
22 is headquartered and located in Missouri and which is involved in or intends to be involved in
23 commerce for the purpose of manufacturing, processing or assembling products, conducting
24 research and development, or providing services in interstate commerce. Such a business shall
25 maintain its headquarters in Missouri for a period of at least three years from the date of receipt
26 of a qualified investment or be subject to penalties pursuant to section 620.017;
- 27 [(10)] (9) "Qualified contribution", cash contributions to a qualified fund pursuant to
28 the terms of contractual agreements made between the qualified fund and a qualified economic
29 development organization authorized by the [board] **corporation** to enter into such contracts;
- 30 [(11)] (10) "Qualified economic development organization", any corporation organized
31 pursuant to the provisions of chapter 355, RSMo, that, as of January 1, 1991, had obtained a
32 contract with the department to operate an innovation center to promote, assist and coordinate
33 the research and development of new services, products or processes in this state;
- 34 [(12)] (11) "Qualified fund", a fund established by any corporation, partnership, joint
35 venture, unincorporated association, trust or other organization established pursuant to the laws
36 of Missouri and approved by [the board or] the corporation;

37 [(13)] (12) "Qualified investment", any investment of seed capital, start-up capital or
38 follow-up capital in a qualified business that does not cause more than ten percent of all the
39 qualified contributions to a qualified fund to be invested in a single qualified business;

40 [(14)] (13) "Seed capital", capital provided to a qualified business for research,
41 development and precommercialization activities to prove a concept for a new product, process
42 or service, and for activities related thereto; provided that, seed capital shall not be provided to
43 any business which in a past fiscal year has experienced a positive cash flow;

44 [(15)] (14) "Start-up capital", capital provided to a qualified business for use in
45 preproduction product development, service development or initial marketing thereof; provided
46 that, start-up capital shall not be provided to any business which has experienced a positive cash
47 flow in a past fiscal year;

48 [(16)] (15) "Uninvested capital", that portion of any qualified contribution to a qualified
49 fund, other than management fees not to exceed three percent per year of committed
50 contributions, qualified investments and other expenses or fees authorized by the [board]
51 **corporation**, that is not invested as a qualified investment within ten years of its receipt.

620.641. [There is hereby established the "Missouri Seed Capital Investment Board", to
2 be composed of thirteen persons. One person shall be the director, or the director's designee, and
3 each qualified economic development organization, not to exceed four, shall respectively be
4 represented by one member appointed by each organization. Eight members shall be appointed
5 by the governor with the advice and consent of the senate. Of these, one shall represent a major
6 public research university located within the state, one shall represent a major private research
7 university located within the state and the remaining six members shall have backgrounds in
8 technology, banking, labor or small business development. The eight members appointed by the
9 governor shall serve terms of three years; except that, of those first appointed, three shall serve
10 for terms of three years, three for terms of two years and two for terms of one year. The
11 members of the board shall annually elect one of its members who has been appointed by the
12 governor as chairman of the board. At any meeting of the board, seven members must be present
13 to constitute a quorum. The department shall provide support services necessary to carry out the
14 duties of the board.] **The powers and duties of the Missouri Seed Capital Investment Board**
15 **shall be transferred to the Missouri Technology Corporation effective August 28, 2010, and**
16 **the Missouri Seed Capital Investment Board shall be dissolved.**

620.644. 1. The Missouri seed capital and commercialization strategy shall be jointly
2 developed and approved by the boards of directors of all of the qualified economic development
3 organizations and submitted as one plan to the [board] **corporation** for its approval. The board
4 shall not approve any qualified fund, exclusive of the fund approved by the corporation, unless

5 such fund is described in the Missouri seed capital and commercialization strategy. The strategy
6 shall include a proposal for the establishment and operation of between one and four qualified
7 funds in Missouri, including the fund approved by the corporation pursuant to the provisions of
8 section 620.653. The initial strategy shall be submitted to the board no later than July 1, 2000,
9 and shall be approved or rejected by the board within three months of receipt. No tax credits
10 authorized pursuant to the provisions of sections 620.635 to 620.653 shall be awarded until such
11 strategy has been approved by the board, other than tax credits authorized for qualified
12 contributions to the fund approved by the corporation.

13 2. The department shall authorize the use of up to twenty million dollars in tax credits
14 by the approved qualified funds, in aggregate pursuant to the provisions of section 620.650, with
15 not more than five million dollars of tax credits being issued in any one year.

16 3. The [board or] corporation shall approve the professional managers employed by the
17 qualified funds according to criteria similar to that used by the U.S. Small Business
18 Administration's Small Business Investment Corporation Program.

19 4. The department may promulgate any rules and regulations necessary to administer the
20 provisions of sections 620.635 to 620.653. No rule or regulation or portion of a rule or
21 regulation promulgated pursuant to the authority of this section shall become effective unless it
22 has been promulgated pursuant to the provisions of chapter 536, RSMo.

23 5. The [Missouri seed capital investment board] **corporation** shall report the following
24 to the department:

25 (1) As soon as practicable after the receipt of a qualified contribution the name of each
26 person from which the qualified contribution was received, the amount of each contributor's
27 qualified contribution and the tax credits computed pursuant to this section;

28 (2) On a quarterly basis, the amount of qualified investments made to any qualified
29 business;

30 (3) On a quarterly basis, verification that the investment of seed capital, start-up capital,
31 or follow-up capital in a qualified business does not direct more than ten percent of all the
32 qualified contributions to a qualified fund to be invested in a single qualifying business.

33 6. Each qualified fund shall provide annual audited financial statements, including the
34 opinion of an independent certified public accountant, to the department within ninety days of
35 the close of the state fiscal year. The audit shall address the methods of operation and conduct
36 of the business of the qualified economic development organization to determine compliance
37 with the statutes and program and program rules and that the qualified contributions received by
38 the qualified fund have been invested as required by this section.

620.647. 1. The [board or] corporation may authorize each qualified economic development organization to enter into contractual agreements with any qualified fund allowing such qualified fund to offer tax credits authorized pursuant to the provisions of sections 620.635 to 620.653 to those persons making qualified contributions to the qualified fund. The [board] **corporation** shall establish policies and procedures requiring each authorized qualified economic development organization to secure from each qualified fund and its investors the maximum fund equity interest possible, as dictated by market conditions, in exchange for the use of the tax credits. All tax credits authorized pursuant to sections 620.635 to 620.653 shall be administered by the department.

2. Each qualified fund shall enter into a contract with one or more qualified economic development organizations which shall entitle all qualified economic development organizations in existence at that time to receive and share equally all distributions of equity and dividends or other earnings of the fund that are generated as a result of any equity interest secured as a result of actions taken to comply with subsection 1 of this section. Such contracts shall require the qualified funds to transfer to the [board] **corporation** all distributions of dividends or other earnings of the fund that are owed to any qualified economic development organization that has dissolved or has ceased doing business for a period of one year or more.

3. All distributions of dividends, earnings, equity or the like owed pursuant to the provisions of sections 620.635 to 620.653 to a qualified economic development organization by any qualified fund shall be paid to the qualified economic development organization. The qualified economic development organization shall use such payments solely for reinvestment in qualified funds in order to provide ongoing seed capital, start-up capital and follow-up capital for Missouri businesses. No qualified economic development organization may transfer any dividends, earnings, equity or the like owed it pursuant to sections 620.635 to 620.653 to any other person or entity without the approval of the [board] **corporation**.

620.650. 1. The sole purpose of each qualified fund is to make investments. One hundred percent of investments made from qualified contributions shall be qualified investments.

2. Any person who makes a qualified contribution to a qualified fund shall receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, chapter 147, RSMo, or chapter 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount equal to one hundred percent of such person's qualified contribution.

3. Such person shall submit to the department an application for the tax credit on a form provided by the department. The department shall award tax credits in the order the applications are received and based upon the strategy approved by the [board] **corporation**. Tax credits

10 issued pursuant to this section may be claimed for the tax year in which the qualified contribution
11 is made or in any of the following ten years, and may be assigned, transferred or sold.

12 4. There is hereby imposed on each qualified fund a tax equal to fifteen percent of the
13 qualified fund's uninvested capital at the close of such qualified fund's tax year. For purposes
14 of tax computation, any distribution made by a qualified fund during a tax year is deemed made
15 at the end of such tax year. Each tax year, every qualified fund shall remit the tax imposed by
16 this section to the director of the department of revenue for deposit in the state treasury to the
17 credit of the general revenue fund.

620.653. The provisions of sections 620.635 to 620.650 to the contrary notwithstanding,
2 one qualified fund shall be approved by the corporation as soon as practicable after July 8, 1999.
3 Such fund need not be initially incorporated into the seed capital and commercialization strategy
4 until after the appointment of the board. After the appointment of the board, all powers
5 exercised by the corporation in relation to that fund shall be transferred to the board. **After the**
6 **dissolution of the board, all powers exercised by the board shall be transferred to the**
7 **corporation.** The corporation shall approve the professional fund manager employed by the
8 qualified fund established by this section.

620.1910. 1. This section shall be known and may be cited as the "Manufacturing
2 **Jobs Act".**

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

4 (1) "Approval", a document submitted by the department to the qualified
5 manufacturing facility or qualified supplier that states the benefits that may be provided
6 under this section;

7 (2) "Capital investment", expenditures made by a qualified manufacturing
8 company to retool or reconfigure a manufacturing facility directly related to the
9 manufacturing of a new product;

10 (3) "County average wage", the same meaning as provided under section 620.1878;

11 (4) "Department", the department of economic development;

12 (5) "Facility", a building or buildings located in Missouri at which the new product
13 is manufactured;

14 (6) "Full-time job", a job for which a person is compensated for an average of at
15 least thirty-five hours per week for a twelve-month period, and one for which the qualified
16 manufacturing company or qualified supplier offers health insurance and pays at least fifty
17 percent of such insurance premiums;

18 (7) "NAICS industry classification", the 1997 edition of the North American
19 **Industry Classification System as prepared by the Executive Office of the President, Office**
20 **of Management and Budget;**

21 (8) "New job", the same meaning as provided under section 620.1878;

22 (9) "New product", a new model or line of a manufactured good that has not been
23 **manufactured in Missouri by the qualified manufacturing company at any time prior to**
24 **the date of the notice of intent;**

25 (10) "Notice of intent", a form developed by the department, completed by the
26 **qualified manufacturing company or qualified supplier and submitted to the department**
27 **which states the qualified manufacturing company's or qualified supplier's intent to create**
28 **new jobs or retain current jobs and make additional capital investment, as applicable, and**
29 **request benefits under this section. The notice of intent shall specify the minimum number**
30 **of such new or retained jobs and the minimum amount of such capital investment;**

31 (11) "Private funds", financing sources of the qualified manufacturing company
32 **for the retention or creation of jobs or capital investment which shall include equity or**
33 **loans that require repayment and are from sources other than guaranteed funds directly**
34 **attributed to the capital investment granted by Missouri or one or more of its local political**
35 **subdivisions;**

36 (12) "Qualified manufacturing company", a business that:

37 (a) **Manufactures goods at a facility in Missouri;**

38 (b) **Derives more than ten percent of the facility's total annual sales from goods**
39 **produced at the facility which are exported outside the United States or sold to the federal**
40 **government for export outside the United States or that derives more than twenty percent**
41 **of total annual sales of the facility from goods produced at the facility which are exported**
42 **outside the state of Missouri;**

43 (c) **Commits to make a capital investment of at least one hundred thousand dollars**
44 **per retained job within no more than two years of the date the qualified manufacturing**
45 **company begins to retain withholding tax pursuant to this section;**

46 (d) **Manufactures a new product or has commenced making capital improvements**
47 **to the facility necessary for the manufacturing of such new product; and**

48 (e) **Continues to meet the requirements of paragraphs (a) to (d) of this subdivision**
49 **for a period of at least ten years from the date of the notice of intent;**

50 (13) "Qualified supplier", a manufacturing company that:

51 (a) **Attests to the department that it derives more than ten percent of the total**
52 **annual sales of the company from sales to a qualified manufacturing facility;**

53 (b) Adds five or more new jobs;

54 (c) Pays wages for such new jobs that are equal to or exceed the lower of the county
55 average wage or the industry average wage for Missouri as determined by the department
56 using NAICS industry classifications, but not lower than sixty percent of the statewide
57 average wage; and

58 (d) Provides health insurance to employees and pays at least fifty percent of the
59 premiums of such insurance;

60 (14) "Retained job", the number of full-time jobs of persons employed by the
61 qualified manufacturing company located at the project facility that existed as of the last
62 working day of the month immediately preceding the month in which notice of intent is
63 submitted;

64 (15) "Statewide average wage", an amount equal to the quotient of the sum of the
65 total gross wages paid for the corresponding four calendar quarters divided by the average
66 annual employment for such four calendar quarters, which shall be computed using the
67 Quarterly Census of Employment and Wages Data for all Private Ownership Businesses
68 in Missouri, as published by the Bureau of Labor Statistics of the United States
69 Department of Labor;

70 (16) "Total annual sales", the denominator of the sales apportionment fraction
71 reported on the Missouri tax return filed by the qualified manufacturing company or the
72 qualified supplier for taxes imposed under chapter 143;

73 (17) "Withholding period", the ten year period in which a qualified manufacturing
74 company may receive benefits under this section;

75 (18) "Withholding tax", the same meaning as provided under section 620.1878.

76 3. The department shall respond within thirty days to a qualified manufacturing
77 company or a qualified supplier who provides a notice of intent with either an approval
78 or a rejection of the notice of intent. Failure to respond on behalf of the department shall
79 result in the notice of intent being deemed an approval for the purposes of this section.

80 4. A qualified manufacturing company may, upon the department's approval of a
81 notice of intent and the execution of an agreement that meets the requirements of
82 subsection 9 of this section, but no earlier than January 1, 2012, retain fifty percent of the
83 withholding tax from full-time jobs at the facility for a period of ten years. Except as
84 otherwise allowed under subsection 7 of this section, the commencement of the withholding
85 period may be delayed by no more than twenty-four months after execution of the
86 agreement at the option of the qualified manufacturing company. Such qualified
87 manufacturing company shall be eligible for participation in the Missouri quality jobs

88 program under sections 620.1875 to 620.1890 for any new jobs for which it does not retain
89 withholding tax pursuant to this section, provided all qualifications for such program are
90 met.

91 **5. A qualified supplier may, upon approval of a notice of intent by the department,**
92 **retain all withholding tax from new jobs for a period of three years from the date of**
93 **approval of the notice of intent or for a period of five years if the supplier pays wages for**
94 **the new jobs equal to or greater than one hundred twenty percent of county average wage.**
95 **Notwithstanding any provision of law to the contrary, a qualified supplier that is awarded**
96 **benefits under this section shall not receive any tax credit or exemption or be entitled to**
97 **retain withholding under sections 100.700 to 100.850, sections 135.100 to 135.150, sections**
98 **135.200 to 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970,**
99 **or section 620.1881 for the same jobs.**

100 **6. Notwithstanding any other provision of this section, the maximum amount of**
101 **withholding tax that may be retained by any one qualified manufacturing company**
102 **pursuant to this section shall not exceed ten million dollars per calendar year. The**
103 **aggregate amount of withholding tax that may be retained by all qualified manufacturing**
104 **companies pursuant to this section shall not exceed fifteen million dollars per calendar**
105 **year.**

106 **7. Notwithstanding any provision of law to the contrary, any qualified**
107 **manufacturing company that is awarded benefits under this section shall not**
108 **simultaneously receive tax credits or exemptions under sections 100.700 to 100.850, sections**
109 **135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to**
110 **135.906 for the jobs created or retained or capital improvement which qualified for**
111 **benefits under this section. The benefits available to the qualified manufacturing company**
112 **under any other state programs for which the qualified manufacturing company is eligible**
113 **and which utilize withholding tax from the jobs at the facility shall first be credited to the**
114 **other state program before the applicable withholding period for benefits provided under**
115 **this section shall begin. These other state programs shall include, but are not limited to,**
116 **the new jobs training program under sections 178.892 to 178.896, the job retention**
117 **program under sections 178.760 to 178.764, the real property tax increment allocation**
118 **redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural**
119 **economic stimulus act under sections 99.915 to 99.980. If any qualified manufacturing**
120 **company also participates in the new jobs training program in sections 178.892 to 178.896,**
121 **such qualified manufacturing company shall not retain any withholding tax that has**
122 **already been allocated for use in the new jobs training program. Any taxpayer who is**

123 awarded benefits under this section who knowingly hires individuals who are not allowed
124 to work legally in the United States shall immediately forfeit such benefits and shall repay
125 the state an amount equal to any withholding taxes already retained. Subsection 5 of
126 section 285.530 shall not apply to taxpayers awarded benefits under this program.

127 **8.** The department may promulgate rules to implement the provisions of this
128 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
129 created under the authority delegated in this section shall become effective only if it
130 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
131 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
132 vested with the general assembly under chapter 536 to review, to delay the effective date,
133 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
134 of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be
135 invalid and void.

136 **9.** Within six months of completion of a notice of intent required under this section,
137 the qualified manufacturing company shall enter into an agreement with the department
138 that memorializes the contents of the notice of intent, the requirements of this section, and
139 the consequences for failing to meet such requirements, which shall include the following:

140 **(1)** If the number of full-time jobs of the qualified manufacturing company at the
141 facility falls below the number of full-time jobs specified within the notice of intent at any
142 time during the withholding period, or if the amount of capital investment made by the
143 qualified manufacturing company is not made within the two-year period provided for
144 such investment, the qualified manufacturing company shall immediately cease retaining
145 any withholding tax with respect to jobs at the facility and it shall forfeit all rights to retain
146 withholding tax for the remainder of the withholding period. In addition, the qualified
147 manufacturing company shall repay any amounts of withholding tax retained plus interest
148 of five percent per annum. However, in the event that such employment shortfall is due to
149 economic conditions beyond the control of the qualified manufacturing company, the
150 director may, at the qualified manufacturing company's request, suspend rather than
151 terminate its privilege to retain withholding tax pursuant to this section for up to three
152 years. Any such suspension shall extend the withholding period by the same amount of
153 time. No more than one such suspension shall be granted to a qualified manufacturing
154 company;

155 **(2)** If the qualified manufacturing company discontinues the manufacturing of the
156 new product and does not replace it with a subsequent or additional new product
157 manufactured at the facility at any time during the withholding period, the qualified

158 **manufacturing company shall immediately cease retaining any withholding tax with**
159 **respect to jobs at that facility and it shall forfeit all rights to retain withholding tax for the**
160 **remainder of the withholding period.**

161 **10. Prior to March first each year, the department shall provide a report to the**
162 **general assembly including the names of participating qualified manufacturing companies**
163 **or qualified suppliers, location of facilities or suppliers, the annual amount of benefits**
164 **provided, the estimated net state fiscal impact including direct and indirect new state taxes**
165 **derived, and the number of new jobs created or jobs retained.**

166 **11. Under section 23.253, of the Missouri sunset act:**

167 **(1) The provisions of the new program authorized under this section shall**
168 **automatically sunset six years after the effective date of this section unless reauthorized by**
169 **an act of the general assembly; and**

170 **(2) If such program is reauthorized, the program authorized under this section**
171 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
172 **section; and**

173 **(3) This section shall terminate on September first of the calendar year immediately**
174 **following the calendar year in which the program authorized under this section is sunset.**

630.915. 1. The department of mental health, in consultation with the department of
2 health and senior services, shall seek funding from the Centers for Disease Control and
3 Prevention to participate in the National Violent Death Reporting System (NVDRS) to obtain
4 better information about violent deaths, including suicide.

5 2. If such funding under subsection 1 of this section is not available to the state of
6 Missouri, on or before July 1, 2006, the department of mental health, in consultation with the
7 department of health and senior services and subject to appropriation, shall develop a state-based
8 reporting system based on the National Violent Death Reporting System that will provide
9 information needed to accurately assess the factors causing violent deaths, including suicide.

10 3. Information obtained from this state's participation in the National Violent Death
11 Reporting System under subsection 1 of this section or the state-based system developed under
12 subsection 2 of this section shall be used to help answer questions regarding the magnitude,
13 trends, and characteristics of violent deaths and assist in the evaluation and improvement of
14 violence prevention policies and programs.

15 4. Information obtained under this section shall be provided to the [suicide prevention
16 advisory committee] **Missouri advisory council for comprehensive psychiatric services**
17 **established under section [630.910] 632.020.**

18 5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

19 (1) The provisions of the new program authorized under this section shall automatically
20 sunset six years after August 28, 2005, unless reauthorized by an act of the general assembly; and

21 (2) If such program is reauthorized, the program authorized under this section shall
22 automatically sunset twelve years after the effective date of the reauthorization of this section;
23 and

24 (3) This section shall terminate on September first of the calendar year immediately
25 following the calendar year in which the program authorized under this section is sunset.

632.020. 1. The Missouri advisory council for comprehensive psychiatric services,
2 created by executive order of the governor on June 10, 1977, shall act as an advisory body to the
3 division and the division director. The council shall be comprised of up to twenty-five members,
4 the number to be determined under the council bylaws.

5 2. The members of the council shall be appointed by the director. Members shall serve
6 for overlapping terms of three years each. The members of the existing council appointed under
7 the provisions of the executive order shall serve the remainder of their appointed terms. At the
8 expiration of the term of each such member, the director shall appoint an individual who shall
9 hold office for a term of three years. Each member shall hold office until a successor has been
10 appointed. Members shall have professional, research or personal interest in the prevention,
11 evaluation, care, treatment and rehabilitation of persons affected by mental disorders and mental
12 illness. The council shall include representatives from the following:

13 (1) Nongovernment organization or groups and state agencies concerned with the
14 planning, operation or use of comprehensive psychiatric services;

15 (2) Representatives of consumers and providers of comprehensive psychiatric services
16 who are familiar with the need for such services. At least one-half of the members shall be
17 consumers. No more than one-fourth of the members shall be vendors or members of boards of
18 directors, employees or officers of vendors, or any of their spouses, if such vendors receive more
19 than fifteen hundred dollars under contract with the department; except that members of boards
20 of directors of not-for-profit corporations shall not be considered members of board of directors
21 of vendors under this subsection.

22 3. A vacancy occurring on the council shall be filled by appointment of the director.

23 4. Meetings shall be held at least every ninety days at the call of the division director or
24 the council chairman, who shall be elected by the council.

25 5. Each member shall be reimbursed for reasonable and necessary expenses, including
26 travel expenses pursuant to the travel regulations for employees of the department, actually
27 incurred in the performance of his official duties.

28 6. The council may be divided into subcouncils in accordance with its bylaws. The
29 council shall study, plan and make recommendations on the prevention, evaluation, care,
30 treatment, rehabilitation, housing and facilities for persons affected by mental disorders and
31 mental illness.

32 7. No member of a state advisory council may participate in or seek to influence a
33 decision or vote of the council if the member would be directly involved with the matter or [if
34 he] would derive income from it. A violation of the prohibition contained herein shall be
35 grounds for a person to be removed as a member of the council by the director.

36 8. The council shall collaborate with the department in developing and administering a
37 state plan for comprehensive psychiatric services. The council shall be advisory and shall:

38 (1) Promote meetings and programs for the discussion of reducing the debilitating effects
39 of mental disorders and mental illness and disseminate information in cooperation with any other
40 department, agency or entity on the prevention, evaluation, care, treatment and rehabilitation for
41 persons affected by mental disorders or mental illness;

42 (2) Study and review current prevention, evaluation, care, treatment and rehabilitation
43 technologies and recommend appropriate preparation, training, retraining and distribution of
44 manpower and resources in the provision of services to persons affected by mental disorders or
45 mental illness through private and public residential facilities, day programs and other
46 specialized services;

47 (3) Recommend what specific methods, means and procedures should be adopted to
48 improve and upgrade the department comprehensive psychiatric service delivery system for
49 citizens of this state;

50 (4) Participate in developing and disseminating criteria and standards to qualify
51 comprehensive psychiatric service residential facilities, day programs and other specialized
52 services in this state for funding or licensing, or both, by the department;

53 **(5) Develop goals and objectives for suicide prevention, provide oversight for**
54 **suicide prevention activities, and make information on suicide and mental health**
55 **intervention models available to community groups implementing suicide prevention**
56 **programs.**

660.010. 1. There is hereby created a "Department of Social Services" in charge of a
2 director appointed by the governor, by and with the advice and consent of the senate. All the
3 powers, duties and functions of the director of the department of public health and welfare,
4 chapters 191 and 192, RSMo and others, not previously reassigned by executive reorganization
5 plan number 2 of 1973 as submitted by the governor under chapter 26, RSMo, except those
6 assigned to the department of mental health, are transferred by type I transfer to the director of

7 the department of social services and the office of the director, department of public health and
8 welfare is abolished. The department of public health and welfare is abolished. All employees
9 of the department of social services shall be covered by the provisions of chapter 36, RSMo,
10 except the director of the department and his secretary, all division directors and their secretaries,
11 and no more than three additional positions in each division which may be designated by the
12 division director.

13 2. It is the intent of the general assembly in establishing the department of social
14 services, as provided herein, to authorize the director of the department to coordinate the state's
15 programs devoted to those unable to provide for themselves and for the rehabilitation of victims
16 of social disadvantage. The director shall use the resources provided to the department to
17 provide comprehensive programs and leadership striking at the roots of dependency, disability
18 and abuse of society's rules with the purpose of improving service and economical operations.
19 The department is directed to take all steps possible to consolidate and coordinate the field
20 operations of the department to maximize service to the citizens of the state.

21 3. All the powers, duties and functions of the division of welfare, chapters 205, 207, 208,
22 209, and 210, RSMo, and others, are transferred by type I transfer to the "Division of Family
23 Services" which is hereby created in the department of social services. The director of the
24 division shall be appointed by the director of the department. All references to the division of
25 welfare shall hereafter be construed to mean the division of family services of the department
26 of social services.

27 4. [All the powers, duties and functions of the board of nursing home administrators,
28 chapter 344, RSMo, are transferred by type I transfer to the department of social services. The
29 public members of the board shall be appointed by the director of the department.

30 5.] The state's responsibility under public law 452 of the eighty-eighth Congress and
31 others, pertaining to the Office of Economic Opportunity, is transferred by type I transfer to the
32 department of social services.

33 [6.] 5. The state's responsibility under public law 73, Older Americans Act of 1965, of
34 the eighty-ninth Congress is transferred by type I transfer to the department of social services.

35 [7.] 6. All the powers, duties and functions vested by law in the curators of the
36 University of Missouri relating to crippled children's services, chapter 201, RSMo, are
37 transferred by type I transfer to the department of social services.

38 [8.] 7. All the powers, duties and functions vested in the state board of training schools,
39 chapter 219, RSMo, and others, are transferred by type I transfer to the "Division of Youth
40 Services" hereby authorized in the department of social services headed by a director appointed
41 by the director of the department. The state board of training schools shall be reconstituted as

42 an advisory board on youth services, appointed by the director of the department. The advisory
43 board shall visit each facility of the division as often as possible, shall file a written report with
44 the director of the department and the governor on conditions they observed relating to the care
45 and rehabilitative efforts in behalf of children assigned to the facility, the security of the facility
46 and any other matters pertinent in their judgment. Copies of these reports shall be filed with the
47 legislative library. Members of the advisory board shall receive reimbursement for their
48 expenses and twenty-five dollars a day for each day they engage in official business relating to
49 their duties. The members of the board shall be provided with identification means by the
50 director of the division permitting immediate access to all facilities enabling them to make
51 unannounced entrance to facilities they wish to inspect.

**Section 1. For the purpose of interpreting all tax measures that are required by law
2 to be enacted by popular vote, the fractional requirement for passage for such measures
3 shall be deemed satisfied if and only if the popular vote percentage is greater than or equal
4 to a four decimal percentage equivalent of the fraction with the last decimal in the ten
5 thousandths position increased by adding one. This section shall not be construed to
6 permit or require the rounding of any fractional requirements that do not appear in the
7 context of tax measures that are required by law to be enacted by popular vote.**

[21.475. 1. Because wetlands are a vital natural resource and wetland
2 conversion is of vital interest to Missouri farmers, conservationists, and
3 landowners, for oversight of various activities of the department of natural
4 resources and other agencies, the senate and the house of representatives shall
5 establish a "Joint Committee on Wetlands", composed of five members of the
6 senate, appointed by the president pro tem of the senate, and five members of the
7 house of representatives, appointed by the speaker of the house. Not more than
8 three members appointed by the president pro tem and not more than three
9 members appointed by the speaker of the house shall be from the same political
10 party. Any state department or agency except the department of conservation and
11 the department of transportation shall obtain the approval of the joint committee
12 on wetlands prior to entering into a contract with any entity of the government or
13 any private entity to conduct any activity relating to the definition, preservation
14 or restoration of wetlands. Each department, division and agency of state
15 government shall provide any information relating to the state's wetlands to the
16 joint committee on wetlands upon request of the committee.

17 2. The committee may hold hearings and conduct investigations within
18 the state as it deems advisable, and the members shall receive no additional
19 compensation, other than reimbursement for their actual and necessary expenses
20 incurred in the performance of their duties. The staff of the committee on
21 legislative research, house research, and senate research shall provide necessary

22 clerical, research, fiscal and legal services to the committee, as the committee
23 may request.]
24

2 [21.780. Every ten years after August 28, 1997, a review of county
3 salaries shall be made by the general assembly. A committee consisting of three
4 members of the house of representatives appointed by the speaker and three
5 members of the senate appointed by the president pro tem shall carry out the
6 review. The committee shall complete its review by December thirty-first of the
7 year in which the committee is appointed. Legislation to revise the then existing
8 salary schedules may be filed at the next following session of the general
9 assembly.]

2 [26.600. Sections 26.600 to 26.614 shall be known and may be cited as
3 the "Missouri Community Service Act".]

2 [26.603. As used in sections 26.600 to 26.614, the following terms mean:

2 (1) "Act", the national and community service act of 1990, as amended;

3 (2) "Commission", the Missouri community service commission created
4 by sections 26.600 to 26.614;

5 (3) "Community service programs", the performance of tasks designed
6 primarily to address educational, public safety, human, or environmental needs
7 at a local, regional, state, or multistate level;

8 (4) "Corporation", the corporation for national and community service
9 authorized by the act;

10 (5) "National service position", a placement in a community service
11 program whereby an individual may earn an educational award, as authorized by
12 the act;

13 (6) "National service laws", the act and other federal legislation that
14 authorizes or may authorize community service activities in states.]
15

2 [26.605. 1. There is hereby created and established within the office of
3 the governor "The Missouri Community Service Commission". The governor
4 may, by executive order, assign this commission to the office of any executive
5 department or statewide elected official.

6 2. The commission is established to make community service the
7 common expectation and experience of all Missourians with a special
8 concentration on Missouri's young people. The commission shall focus its efforts
9 primarily on issues related to education, public safety, human needs and the
10 environment.

11 3. The commission shall work to renew the ethic of civic responsibility
12 in Missouri and to involve and enroll citizens in service opportunities that benefit
Missouri while offering citizens skills that can be used to further their own plans

13 for education, for a career, or for continuing community services. The
14 commission shall build on the existing organizational framework of state, local
15 and community-based programs and agencies to expand full-time and part-time
16 service opportunities for all citizens, but particularly Missouri's youth.]
17

[26.607. 1. The commission shall include at least fifteen but no more
2 than twenty-five voting members appointed by the governor, with the advice and
3 consent of the senate. The commission shall include the following voting
4 members:

- 5 (1) A representative of local government;
- 6 (2) The commissioner of the department of elementary and secondary
7 education or the designee of such person;
- 8 (3) An individual with experience in promoting the involvement of older
9 adults in service and volunteerism;
- 10 (4) A representative of a national service program;
- 11 (5) An individual with expertise in the educational, training and
12 development needs of youth, particularly disadvantaged youth;
- 13 (6) An individual between the ages of sixteen and twenty-five years who
14 is a participant in or supervisor of a service program for school age youth, or a
15 campus-based or national service program;
- 16 (7) A representative of community-based agencies or organizations in the
17 state;
- 18 (8) A representative of labor organizations;
- 19 (9) A member representing the business community;
- 20 (10) The lieutenant governor or his or her designee;
- 21 (11) A representative from the Corporation for National and Community
22 Service, who shall serve as a nonvoting, ex officio member;
- 23 (12) Other members, at the discretion of and appointed by the governor,
24 provided that there are at least fifteen but not more than twenty-five voting
25 members, and provided that no more than twenty-five percent of the voting
26 members are officers or employees of the state, and provided further that not
27 more than fifty percent plus one of the voting members of the commission are
28 members of the same political party;
- 29 (13) The governor may appoint any number of other nonvoting, ex
30 officio members who shall serve at the pleasure of the governor.

31 2. Appointments to the commission shall reflect the race, ethnicity, age,
32 gender and disability characteristics of the population of the state as a whole.

33 3. Voting members shall serve renewable terms of three years, except that
34 of the first members appointed, one-third shall serve for a term of one year,
35 one-third shall serve for a term of two years, and one-third shall serve for a term
36 of three years. If a commission vacancy occurs, the governor shall appoint a new

37 member to serve for the remainder of the unexpired term. Vacancies shall not
38 affect the power of the remaining members to execute the commission's duties.

39 4. The members of the commission shall receive no compensation for
40 their services on the commission, but shall be reimbursed for ordinary and
41 necessary expenses incurred in the performance of their duties.

42 5. The voting members of the commission shall elect one of their
43 members to serve as chairperson of the commission. The voting members may
44 elect such other officers as deemed necessary.

45 6. The commission shall meet at least quarterly.]
46

[26.609. 1. The commission shall have the following powers and duties:

2 (1) To ensure that its funding decisions meet all federal and state
3 statutory requirements;

4 (2) To prepare for this state an annual national service plan that follows
5 state and federal guidelines;

6 (3) To recommend innovative statewide service programs to increase
7 volunteer participation and community-based problem solving by all age groups
8 and among diverse participants;

9 (4) To utilize local, state and federal resources to initiate, strengthen and
10 expand quality service programs;

11 (5) To promote interagency collaboration to maximize resources and
12 develop a model of such collaboration on the state level;

13 (6) To oversee the application process to apply for corporation grants and
14 funds, and for approval of service positions;

15 (7) To establish priorities, policies and procedures for the use of funds
16 received under national service laws and for funds deposited into the community
17 service commission fund established in section 26.614;

18 (8) To provide technical assistance for applicants to plan and implement
19 service programs and to apply for assistance under the national service laws;

20 (9) To solicit and accept gifts, contributions, grants, bequests or other aid
21 from any person, business, organization or foundation, public or private and from
22 federal, state or local government or any agency of federal, state or local
23 government.

24 2. The commission shall have other powers and duties in addition to
25 those listed in subsection 1 of this section, including:

26 (1) To utilize staff within the office of the governor, the office of a
27 designated statewide elected official or other executive departments as needed for
28 this purpose; and

29 (2) To enter into contracts with individuals, organizations and institutions
30 within amounts available for this purpose.]
31

2 [26.611. 1. All state agencies, the University of Missouri extension
3 system, and any unit of local government, including school districts, may share
4 information and cooperate with the commission to enable it to perform the
5 functions assigned to it by state and federal law.

6 2. Any state agency that operates or plans to establish a community
7 service program may coordinate its efforts with the commission.]

2 [26.614. 1. There is hereby created in the state treasury the "Community
3 Service Commission Fund". The state treasurer shall deposit to the credit of the
4 fund all moneys which may be appropriated to it by the general assembly and also
5 any gifts, contributions, grants, bequests or other aid received from federal,
6 private or other sources. The general assembly may appropriate moneys into the
7 fund for the support of the commission and its activities. Notwithstanding the
8 provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not
9 revert to the credit of the general revenue fund at the end of the biennium.

10 2. The commission shall submit an annual report of its activities to the
11 speaker of the house of representatives, the president pro tem of the senate, and
12 the governor before January thirty-first of each year.]

2 [32.250. There is hereby established the "Multistate Tax Compact
3 Advisory Committee" composed of the member of the multistate tax commission
4 representing this state, any alternate designated by him, the attorney general or
5 his designee, and two members of the senate, appointed by the president pro tem
6 thereof and two members of the house of representatives, appointed by the
7 speaker thereof. The chairman shall be the member of the commission
8 representing this state. The committee shall meet on the call of its chairman or
9 at the request of a majority of its members, but in any event it shall meet not less
10 than three times in each year. The committee may consider any and all matters
11 relating to recommendations of the multistate tax commission and the activities
12 of the members in representing this state thereon.]

2 [32.260. The multistate tax compact advisory committee may employ
3 counsel to represent it or to act for it, and may fix his compensation within the
4 limits of funds appropriated to the committee.]

2 [170.250. 1. The "Video Instructional Development and Educational
3 Opportunity Program" is established to encourage all educational institutions in
4 Missouri to supplement educational opportunities through telecommunications
5 technology and satellite broadcast instruction. The program established by this
6 section is to be administered by the state board of education. The program shall
7 consist of:

7 (1) Grants to local school districts, state-supported institutions of higher
8 education and public television stations as defined in section 37.205, RSMo, for
9 equipment and instruction;

10 (2) Instructional programs developed pursuant to this section and
11 transmitted through the airwaves, over telephone lines, or by cable television
12 which are available for all residents of this state without charge as defined in this
13 section; and

14 (3) Instructional programs developed pursuant to this section which are
15 available to any subscriber according to this section.

16 2. The "Video Instructional Development and Educational Opportunity
17 Fund" is established in the state treasury and shall be administered by the
18 department of elementary and secondary education at the direction of the state
19 board of education. Moneys deposited in the fund shall consist of revenues
20 generated from state sales and use tax revenues as provided in chapter 144,
21 RSMo, on the rental of films, records or any type of sound or picture
22 transcriptions as provided in subsection 3 of this section and shall include four
23 million dollars transferred to the fund annually. Moneys in the fund shall be used
24 solely for purposes established by this section.

25 3. Within the department of elementary and secondary education, there
26 is established an advisory committee which shall make recommendations to the
27 state board of education on the grant program. The committee shall be composed
28 of twenty-nine members. The members of the committee shall consist of one
29 representative of public television stations as defined in section 37.205, RSMo,
30 and one representative of the cable television industry appointed by the state
31 board of education, one representative of public television stations as defined in
32 section 37.205, RSMo, and one representative of the cable television industry
33 appointed by the coordinating board for higher education, three classroom
34 teachers from the elementary and secondary level appointed by the state board of
35 education, three school administrators of elementary or secondary schools
36 appointed by the state board of education, three members of school boards of
37 local public school districts appointed by the state board of education, four
38 representatives from public community college districts appointed by the
39 coordinating board for higher education, four representatives of state-supported
40 institutions of higher education other than community colleges appointed by the
41 coordinating board for higher education, one representative of the regional
42 consortium for education and technology appointed by the state board of
43 education, one representative of the cooperating school districts of the St. Louis
44 suburban area appointed by the state board of education, two representatives of
45 the public appointed by the governor with the advice and consent of the senate,
46 two members of the senate appointed by the senate president pro tem and two
47 members of the house of representatives appointed by the speaker of the house
48 of representatives. Of all members appointed by the state board of education, no

49 more than four shall be from any one congressional district and of all the
50 members appointed by the coordinating board for higher education, no more than
51 four shall be from any one congressional district. The members of the committee
52 shall serve three-year terms and shall not serve more than two terms
53 consecutively. However, committee members having served two consecutive
54 terms may be reappointed after leaving the committee for at least one three-year
55 term. On August 28, 1992, the committee shall designate nine of its members to
56 serve a term of one year, ten of its members to serve a term of two years, and ten
57 of its members to serve a term of three years. All subsequent appointments shall
58 be for three years. All members shall receive no compensation for their services,
59 but shall be reimbursed for the actual and necessary expenses incurred while
60 serving on the committee out of funds appropriated for that purpose. The
61 committee shall meet at least quarterly and shall annually issue a report together
62 with its recommendations to the state board of education and the general
63 assembly.

64 4. The state board of education may cooperate with existing programs
65 including the University of Missouri, other institutions of higher education, the
66 cooperating school districts of the St. Louis suburban area, or its successor
67 organization, the regional consortium for education and technology or its
68 successor organization, and any statewide organization of public school
69 governing boards and may delegate or contract for the performance or operation
70 of the respective grant programs. The state board of education shall establish
71 appropriate guidelines for participation by the aforementioned entities and by
72 school districts, community college districts, and public television stations as
73 defined in section 37.205, RSMo, in the grant program. Such guidelines shall
74 include application procedures and shall establish policies for awarding grants in
75 the event that more grant applications are received than are funds available to
76 honor the applications in any fiscal year. In allocating funds to applicants, the
77 state board of education may give due consideration to revenues available from
78 all other sources. The state board of education shall accredit courses offered
79 through this program at the elementary and secondary education level. The
80 coordinating board for higher education shall approve courses taught at the
81 postsecondary level.

82 5. In any fiscal year, moneys in the fund shall be used first to ensure that
83 any and all school districts, community college districts and state institutions of
84 higher education seeking aid under this program shall receive
85 telecommunications equipment including computers and modems necessary to
86 participate in the satellite learning process or instructional television video;
87 second to provide the school districts, community college districts and state
88 institutions of higher education with access to subjects at the advanced level or
89 the remedial level or which are not taught in the schools of the district or the
90 service area or campus, which subjects shall include courses in continuing

91 education necessary for maintenance or renewal of licenses for all such licensed
92 health care providers; and third to provide enrichment classes for all pupils of the
93 district. However, the state board of education may set aside a portion of the
94 funds to be used to contract with state-supported institutions of higher education
95 and public television stations as defined in section 37.205, RSMo, to develop
96 instructional programs for grades kindergarten through twelve and for
97 undergraduate and graduate course work suitable for broadcast to the school
98 districts, community college districts and state institutions of higher education as
99 appropriate and to develop the capability to transmit programs cited in this
100 section.

101 6. Participation by a local school district, a community college district or
102 a state institution of higher education in the program established by this section
103 shall be voluntary. No school district, community college district or state
104 institution of higher education receiving funds under this program shall use those
105 funds for any purpose other than that for which they were intended. Any school
106 district, community college district or state institution of higher education shall
107 be eligible to receive funds under this program regardless of its curriculum, local
108 wealth or previous contractual arrangements to receive satellite broadcast
109 instruction.

110 7. The office of administration on behalf of the state of Missouri may
111 contract with institutions of higher education for the development or operation
112 or both of state employee training programs transmitted by telecommunications
113 technology.

114 8. Instructional programs developed pursuant to this section which are
115 transmitted one way through the airwaves or by cable television shall be available
116 to all residents of this state without charge or fee to the extent permitted by the
117 Missouri Constitution. "Without charge or fee" shall not require the providing
118 of equipment to transmit or receive telecommunications instruction or the
119 providing of commercial cable television service. If the instructional program
120 involves two-way, interactive communication between the instructor and the
121 participant, the district or institution operating the program may prescribe
122 academic prerequisites and limit the number of persons who may enroll in the
123 specific program and give preference to residents of the district or institutional
124 attendance area who are age twenty-one or younger but shall not discriminate
125 against any resident on any other basis. A fee may be charged which shall be
126 paid directly by the individual participant, but the fee shall be equal for all
127 participants. If a subscription fee is charged by the originator of the program, the
128 district or institution may pay the subscription fee for all participants from the
129 grant pursuant to this section or from any other public or private fund legally
130 authorized to be used for this purpose. Printed materials designed to facilitate or
131 complement telecommunications programs or electronic reproductions thereof
132 may be made available for loan by the school district, community college or

133 institution of higher education through the public library system subject to the
 134 normal rules and regulations of the lending system and in such quantities as may
 135 be approved by the governing body of the district or institution. Instructional
 136 programs which involve two-way, interactive communication between the
 137 instructor and the participant shall also be available to any not-for-profit
 138 organization in this state which is exempt from taxation pursuant to subdivision
 139 (19) of subsection 2 of section 144.030, RSMo, upon payment of a reasonable
 140 subscription fee as determined by the state board of education. Such fees shall
 141 be set on a per-participant, per-course basis. The district or institution or the state
 142 board of education may make telecommunication equipment available for
 143 purchase at cost by or rental to any not-for-profit organization in this state which
 144 is exempt from taxation pursuant to subdivision (19) of subsection 2 of section
 145 144.030, RSMo.

146 9. (1) In order to facilitate or complement telecommunications, local
 147 exchange telecommunications companies shall file with the public service
 148 commission tariffs for provision of local service to public school districts, and
 149 may file tariffs for provision of local service to accredited primary or secondary
 150 schools owned or operated by private entities and community college districts
 151 located within the local exchange telecommunications companies certified area.
 152 Such local exchange telecommunications companies shall seek commission
 153 authorization to provide local service at rates lower than those charged for
 154 business and residential service in effect when the tariff is filed, provided that the
 155 proposed rates may not be below the actual cost of providing the service. Upon
 156 approval of the public service commission, the rates shall not be classified as
 157 discriminatory for the purposes of chapter 392, RSMo.

158 (2) The public service commission may approve the tariff as submitted,
 159 or may, after hearing, modify the tariff in the public interest. The commission
 160 may promulgate rules to aid in the implementation of this section.]
 161

2 [192.350. 1. There is hereby established within the department of health
 3 and senior services the "Missouri State Advisory Council on Pain and Symptom
 4 Management". The council shall consist of nineteen members that are residents
 5 of this state. The members of the council shall include:

- 6 (1) The director of the department of health and senior services, or the
 7 director's designee, who shall serve as chair of the council;
- 8 (2) The state attorney general, or the attorney general's designee;
- 9 (3) Two members of the senate, appointed by the president pro tempore
 10 of the senate;
- 11 (4) Two members of the house of representatives, appointed by the
 12 speaker of the house of representatives;
- 13 (5) One physician, appointed by the Missouri state board of registration
 for the healing arts, that is certified and accredited in pain management;

14 (6) One physician, appointed by the Missouri state board of registration
15 for the healing arts, that is certified and accredited in palliative care;

16 (7) Two registered nurses, appointed by the Missouri board of nursing,
17 with expertise in hospice, oncology, long-term care, or pain and symptom
18 management and are certified by the National Board for Certification of Hospice
19 and Palliative Nurses;

20 (8) One dentist, appointed by the Missouri board of dentistry, with
21 training in pain and symptom management and is associated with the education
22 and training of dental students;

23 (9) One pharmacist, appointed by the Missouri board of pharmacy, with
24 training in pain and symptom management and is associated with the education
25 and training of pharmacists;

26 (10) One representative of the Pharmaceutical Research and
27 Manufacturers of America, appointed by the governor, with the advice and
28 consent of the senate;

29 (11) One mental health services provider, appointed by the governor,
30 with the advice and consent of the senate;

31 (12) One physician assistant, appointed by the Missouri advisory
32 commission for physician assistants, with training in pain and symptom
33 management;

34 (13) One chiropractic physician, appointed by the Missouri state board
35 of chiropractic examiners, with training in pain and symptom management;

36 (14) One physical therapist, appointed by the Missouri Physical Therapy
37 Association, that specializes in pain management;

38 (15) One advocate representing voluntary health organizations or
39 advocacy groups with an interest in pain management, appointed by the governor,
40 with the advice and consent of the senate; and

41 (16) One member who has been diagnosed with chronic pain, appointed
42 by the governor, with the advice and consent of the senate.

43 2. Members of the council shall be appointed by February 1, 2004. Of
44 the members first appointed to the council, seven members shall serve a term of
45 two years, and eight members shall serve a term of one year, and thereafter,
46 members shall serve a term of two years. Members shall continue to serve until
47 their successor is duly appointed and qualified. Any vacancy on the council shall
48 be filled in the same manner as the original appointment.]
49

[192.352. 1. Members shall serve without compensation but shall,
2 subject to appropriations, be reimbursed for reasonable and necessary expenses
3 actually incurred in the performance of the member's official duties.

4 2. The department of health and senior services with existing resources
5 shall provide administrative support and current staff as necessary for the
6 effective operation of the council.]

- 2 [192.355. 1. Meetings shall be held at least every ninety days or at the
3 call of the council chair.
4 2. The advisory council shall:
5 (1) Hold public hearings pursuant to chapter 536, RSMo, to gather
6 information from the general public on issues pertaining to pain and symptom
7 management;
8 (2) Make recommendations on acute and chronic pain management
9 treatment practices;
10 (3) Analyze statutes, rules, and regulations regarding pain management;
11 (4) Study the use of alternative therapies regarding pain and symptom
12 management and any sanctions imposed;
13 (5) Review the acute and chronic pain management education provided
14 by professional licensing boards of this state;
15 (6) Examine the needs of adults, children, the terminally ill, racial and
16 ethnic minorities, and medically underserved populations that have acute and
17 chronic pain;
18 (7) Make recommendations on integrating pain and symptom
19 management into the customary practice of health care professionals;
20 (8) Identify the roles and responsibilities of health care professionals in
21 pain and symptom management;
22 (9) Make recommendations on the duration and content of continuing
23 education requirements for pain and symptom management;
24 (10) Review guidelines on pain and symptom management issued by the
25 United States Department of Health and Human Services;
26 (11) Provide an annual report on the activities of the council to the
27 director of the department of health and senior services, the speaker of the house
28 of representatives, the president pro tempore of the senate, and the governor by
29 February first of every year. Such report shall include, but not be limited to the
30 following:
31 (a) Issues and recommendations developed by the council;
32 (b) Pain management educational curricula and continuing education
33 requirements for institutions providing health care education;
34 (c) Information regarding the impact and effectiveness of prior
35 recommendations, if any, that have been implemented; and
36 (d) Review of current policies regarding pain and symptom management
37 and any changes thereto occurring in pain and symptom management.
38 3. The department of health and senior services may accept on behalf of
39 the council any federal funds, gifts, and donations from individuals, private
40 organizations, and foundations, and any other funds that may become available.]

2 [207.023. The division of family services within the department of social
services, with input from the Missouri community service commission created

3 in sections 26.600 to 26.614, RSMo, shall promulgate rules providing standards
4 and procedures for community service participation by persons receiving services
5 from the division of family services. In order to be eligible to receive services
6 from the division of family services, a person shall satisfy the requirements of the
7 rules promulgated under this section regarding community service participation.]
8

2 [208.195. The director of the division of family services shall appoint an
3 advisory committee to provide professional and technical consultation in respect
4 to the medical care aspects for public assistance recipients as set out in this
5 chapter. The committee shall consist of twenty members, including the chairman
6 of the senate committee of public health and welfare and chairman of the house
7 of representatives committee of Social Security, and a minority member of each
8 committee and at least three physicians licensed to practice in this state. The
9 others shall be persons interested in hospital administration, nursing home
10 administration, nursing, dentistry, optometry and pharmaceuticals. The members
11 of the advisory committee shall receive no compensation for their services other
12 than expenses actually incurred in the performance of their official duties.]

2 [208.530. As used in sections 208.530 to 208.535, the following terms
3 shall mean:

- 3 (1) "Commission", the commission on the special health, psychological
4 and social needs of minority older individuals established in section 208.533;
5 (2) "Minority older individual", an individual who is sixty years of age
6 or older and a member of a racial minority group;
7 (3) "Racial minority group":
8 (a) Blacks or African Americans;
9 (b) Native Americans;
10 (c) Hispanics;
11 (d) Asian Americans; and
12 (e) Other similar racial minority groups.]
13

2 [208.533. 1. There is hereby established a twenty-member "Commission
3 on the Special Health, Psychological and Social Needs of Minority Older
4 Individuals" under the division of aging. The commission shall consist of the
5 following members:

- 5 (1) The directors of the departments of health and senior services, mental
6 health and social services or their designees;
7 (2) The directors of the office of minority health and the division of aging
8 who shall serve as cochairs of the commission;
9 (3) Two members of the Missouri house of representatives, one from
10 each major political party represented in the house of representatives, appointed
11 by the speaker of the house who shall serve in a nonvoting, advisory capacity;

12 (4) Two members of the senate, one from each major political party
13 represented in the senate, appointed by the president pro tem of the senate who
14 shall serve in a nonvoting, advisory capacity;

15 (5) A representative of the office of the lieutenant governor who shall
16 serve in a nonvoting, advisory capacity; and

17 (6) Ten individuals appointed by the governor with the advice and
18 consent of the senate who are currently working in the field of minority elderly
19 health, psychological or social problems who have demonstrated expertise in one
20 or more of the following areas: treatment of cardiovascular, cancer and diabetic
21 conditions; nutrition; community-based health services; legal services; elderly
22 consumer advocacy; gerontology or geriatrics; social work and other related
23 services including housing. At least two of the individuals appointed by the
24 governor shall be minority older individuals. The members appointed by the
25 governor shall be residents of Missouri. Any vacancy on the commission shall
26 be filled in the same manner as the original appointment.

27 2. Members appointed by the governor shall serve for three-year terms.
28 Other members, except legislative members, shall serve for as long as they hold
29 the position which made them eligible for appointment. Legislative members
30 shall serve during their current term of office but may be reappointed.

31 3. Members of the commission shall not be compensated for their
32 services, but shall be reimbursed for actual and necessary expenses incurred in
33 the performance of their duties. The office of administration and the departments
34 of health and senior services, mental health and social services shall provide such
35 support as the commission requires to aid it in the performance of its duties.]
36

2 [208.535. The responsibilities of the commission shall include, but not
be limited to, the following:

3 (1) The commission shall annually prepare a report identifying the
4 special needs of the minority older population in Missouri as compared to the
5 older population at-large and make recommendations for meeting those needs.
6 The report shall be completed no later than October first of each year, beginning
7 in 1999, and copies transmitted to the governor, the general assembly and
8 appropriate state agencies. The report shall, at a minimum:

9 (a) Contain an overview of the special health, psychological and social
10 needs of minority older Missourians with particular attention to low-income
11 minority older individuals;

12 (b) Identify specific diseases and health conditions for which minority
13 older individuals are at greater risk than the general population;

14 (c) Identify problems experienced by minority older individuals in
15 obtaining services from governmental agencies;

16 (d) Identify programs at the state and local level designed to specifically
17 meet the needs of minority older individuals; and

18 (e) Recommend program improvements and services at the state and
19 local level designed to address the special unmet needs of the minority older
20 population;

21 (2) In preparing the report required by this section, the commission shall
22 solicit and consider the input of individuals and organizations representing the
23 concerns of the minority older population, with particular attention to the service
24 needs of those with incomes below the federal poverty level, concerning:

25 (a) Programs and services needed by minority older individuals;

26 (b) The extent to which existing programs do not meet the needs of
27 minority older individuals;

28 (c) The accessibility of existing programs to minority older individuals;

29 (d) The availability and adequacy of information regarding existing
30 services;

31 (e) Health problems that minority older individuals experience at a higher
32 rate than the nonminority older population; and

33 (f) Financial, social and other barriers experienced by minority older
34 individuals in obtaining needed services;

35 (3) Conduct an outreach program that provides information to minority
36 older Missourians about health, psychological and social problems experienced
37 by minority older individuals and available programs to address those problems,
38 as identified in the report prepared pursuant to this section.]
39

2 [208.792. 1. There is hereby established the "Missouri Rx Plan Advisory
3 Commission" within the department of social services to provide advice on the
4 benefit design and operational policy of the Missouri Rx plan established in
5 sections 208.782 to 208.798. The commission shall consist of the following
6 fifteen members:

7 (1) The lieutenant governor, in his or her capacity as advocate for senior
8 citizens;

9 (2) Two members of the senate, with one member from the majority party
10 appointed by the president pro tem of the senate and one member of the minority
11 party appointed by the president pro tem of the senate with the concurrence of the
12 minority floor leader of the senate;

13 (3) Two members of the house of representatives, with one member from
14 the majority party appointed by the speaker of the house of representatives and
15 one member of the minority party appointed by the speaker of the house of
16 representatives with the concurrence of the minority floor leader of the house of
17 representatives;

18 (4) The director of the division of medical services in the department of
19 social services;

20 (5) The director of the division of senior and disability services in the
department of health and senior services;

21 (6) The chairperson of the governor's commission on special health,
22 psychological and social needs of minority older individuals;

23 (7) The following four members appointed by the governor, with the
24 advice and consent of the senate:

25 (a) A licensed pharmacist;

26 (b) A licensed physician;

27 (c) A representative from a senior advocacy group; and

28 (d) A representative from an area agency on aging;

29 (8) A representative from the pharmaceutical manufacturers industry as
30 a nonvoting member appointed by the president pro tem of the senate and the
31 speaker of the house of representatives;

32 (9) One public member appointed by the president pro tem of the senate;
33 and

34 (10) One public member appointed by the speaker of the house of
35 representatives. In making the initial appointment to the committee, the
36 governor, president pro tem, and speaker shall stagger the terms of the appointees
37 so that four members serve initial terms of two years, four members serve initial
38 terms of three years, four members serve initial terms of four years, and one
39 member serves an initial term of one year. All members appointed thereafter
40 shall serve three-year terms. All members shall be eligible for reappointment.
41 The commission shall elect a chair and may employ an executive director and
42 such professional, clerical, and research personnel as may be necessary to assist
43 in the performance of the commission's duties.

44 2. Recognizing the unique medical needs of the senior African-American
45 population, the president pro tem of the senate, speaker of the house of
46 representatives, and governor will collaborate to ensure that there is adequate
47 minority representation among legislative members and other members of the
48 commission.

49 3. The commission:

50 (1) May provide advice on guidelines, policies, and procedures necessary
51 to establish the Missouri Rx plan;

52 (2) Shall educate Missouri residents on quality prescription drug
53 programs and cost-containment strategies in medication therapy;

54 (3) Shall assist Missouri residents in enrolling or accessing prescription
55 drug assistance programs for which they are eligible; and

56 (4) Shall hold quarterly meetings and other meetings as deemed
57 necessary.

58 4. The members of the commission shall receive no compensation for
59 their service on the commission, but shall be reimbursed for ordinary and
60 necessary expenses incurred in the performance of their duties as a member of the
61 commission.]

62

2 [215.261. The "State Commission on Regulatory Barriers to Affordable
3 Housing" is hereby created. The commission shall identify federal, state and
4 local regulatory barriers to affordable housing and recommend means to
5 eliminate such barriers. The commission shall report its findings, conclusions
6 and recommendations in a report to be filed no later than August 31, 1995, and
7 August thirty-first of each year thereafter, with the speaker of the house of
8 representatives, the president pro tempore of the senate and the governor. The
9 commission may also provide a copy of its report to any unit of federal, state or
10 local government.]

2 [215.262. The commission shall consist of nine voting members, seven
3 of which shall be appointed by the governor by and with the advice and consent
4 of the senate. The appointed commission members shall include two residential
5 general contractors, two citizens at large, one residential land developer, one
6 residential architect and one residential engineer. The chief administrative
7 officers of the Missouri housing development commission and the Missouri
8 department of economic development shall also be members of the commission
9 and shall retain their memberships on the commission for the duration of their
10 service to the Missouri housing development commission and the Missouri
11 department of economic development. The commission may, in its discretion,
12 establish other ex officio members as it deems prudent, who shall stand appointed
13 and qualified for membership on the commission upon the resolution of the
14 commission. Members of the commission shall serve for terms of three years,
15 but of the first members appointed, three shall serve for a term of one year, two
16 shall serve for a term of two years and two shall serve for a term of three years.
17 Vacancies on the commission shall be filled for the unexpired term in the same
18 manner as original appointments are made. The commission may remove any of
19 its members for cause after hearing. Members of the commission on regulatory
20 barriers to affordable housing shall receive no compensation for their services,
21 but may be reimbursed for actual and necessary expenses incurred by them in the
22 performance of their duties.]

2 [215.263. 1. For purposes of sections 215.261 to 215.263, the term
3 "affordable housing" means all residential structures newly constructed or
4 rehabilitated, which a person earning one hundred fifteen percent or less of the
5 median income for the person's county, as determined by the United States
6 Bureau of the Census, could afford if spending twenty-nine percent of that
7 person's gross income annually on such housing.

8 2. Clerical, research and general administrative support staff for the
9 commission shall be provided by the Missouri department of economic
10 development.]

2 [253.375. 1. As a necessary adjunct to the operation and maintenance of
3 this memorial and historic site, as herein provided, there is hereby created a state
4 advisory commission, to be known as "The Thomas Hart Benton Homestead
5 Memorial Commission", to consist of twenty members, ten members to be
6 appointed by the director of the department of natural resources, five members
7 to be appointed by the president pro tem of the senate and five members to be
8 appointed by the speaker of the house. The appointees shall be selected from
9 outstanding individuals, not restricted to citizens of the state, well-known for
10 their interest in and knowledge of Thomas Hart Benton, his life and his work, and
11 in addition thereto, the director of the department of natural resources, the
12 chairman of the Missouri advisory council on historic preservation, which
13 advisory commission, upon original appointment, is hereby empowered to
14 organize itself and to elect its own officers for such term or terms as the
15 commission shall from time to time determine. Any vacancy on the advisory
16 commission shall be filled by the same official who appointed the person who
17 left the commission thus creating such vacancy.

18 2. The commission shall be advisory to the division of state parks and
19 recreation of the department of natural resources on all policy and administrative
20 matters pertaining to planning, operation and maintenance, including museum
21 activities, the employment of curators, staff employees or other persons, as may
22 be needed.

23 3. The members of the commission shall not receive any compensation
24 for their services, but shall be reimbursed for their actual and necessary expenses,
25 excluding travel expenses, incurred within the state of Missouri in the
26 performance of their duties.

27 4. The commission is empowered, in behalf of the state, to accept gifts,
28 contributions, bequests of unrestricted funds, from individuals, foundations,
29 corporations and other organizations or institutions for the furtherance of the
30 objectives and purposes of this memorial.

31 5. The commission may request from any department, division, board,
32 bureau, council, commission or other agency of this state such assistance and data
33 as will enable it to properly carry out its powers and duties hereunder; and the
34 director of the department of natural resources shall make provision for the
35 staffing and servicing of the commission, and providing the necessary funding to
36 carry out its duties, from funds appropriated or otherwise available to that
37 department.]

2 [260.725. 1. There is hereby created within the department of natural
3 resources the "Low-level Radioactive Waste Compact Advisory Committee".
4 The committee shall consist of one representative of an institution of higher
5 education, one representative of the general public, one representative of
industry, one representative of a medical field, one member of the Missouri house

6 of representatives, one member of the Missouri senate and Missouri's member on
7 the midwest low-level radioactive waste compact commission. If Missouri is
8 designated a host state for a regional disposal facility, the advisory committee
9 shall be expanded to include a representative from the host county. Each member
10 shall be appointed by the governor with the advice and consent of the senate,
11 except that the member from the Missouri house of representatives shall be
12 appointed by the speaker of the house and the member from the Missouri senate
13 shall be appointed by the president pro tempore of the senate. Any representative
14 of a host county shall be nominated by the county court of the host county and
15 appointed by the governor. Each member shall serve for a term of four years
16 with the first members' appointments staggered so that all members' terms do not
17 expire simultaneously.

18 2. The advisory committee shall:

19 (1) Act in an advisory capacity to Missouri's member on the commission;

20 (2) Meet as necessary, but at least twice yearly, to review activities of the
21 commission and midwest interstate low-level radioactive waste compact states;
22 and

23 (3) Present recommendations in writing to the governor and the general
24 assembly as requested or as necessary to insure adequate exchange of
25 information.]
26

2 [286.200. 1. The "Governor's Committee on Employment of People with
3 Disabilities" will hereafter be known as the "Governor's Council on Disability"
4 and is hereby assigned to the department of labor and industrial relations.

5 2. The council shall consist of a chairperson, twenty members and an
6 executive director.

7 3. The chairperson shall be appointed by the governor with the advice
8 and consent of the senate. The members of the council shall be appointed by the
9 governor. Recruitment and appointment of members to the council shall provide
10 for representation of various ethnic, age, gender and physical and mental
11 disability groups.

12 4. (1) The nine members of the governor's committee on the employment
13 of people with disabilities whose terms of office expire in October of 1995 and
14 the four members of the governor's committee on the employment of people with
15 disabilities whose terms of office expire in October of 1997 shall be deemed
16 members of the council on disability. Of the ten members of the committee on
17 the employment of people with disabilities whose terms of office expired in
18 October of 1993 and any vacancies on the committee on the employment of
19 people with disabilities, only seven shall be appointed to the council;

20 (2) The terms of office for the chairperson and the seven council
members first appointed after August 28, 1994, shall be as follows:

21 (a) The term of office for one of the initial new council members shall
22 expire in October of 1995;

23 (b) The terms of office for the chairperson and the other six initial
24 council members shall expire in October of 1997, so that one-half of the members
25 of the council may be chosen every second year.

26 5. The funds necessary for the executive director and such other
27 personnel as necessary shall be appropriated through the department of labor and
28 industrial relations. The executive director shall serve under the supervision of
29 the committee chairman. The executive director shall be exempted from the state
30 merit system.

31 6. All successor members shall be appointed for four-year terms.
32 Vacancies occurring in the membership of the council for any reason shall be
33 filled by appointment by the governor for the unexpired term. Upon expiration
34 of their terms, members of the council shall continue to hold office until the
35 appointment and qualification of their successors. No person shall be appointed
36 for more than two consecutive terms, except that a person appointed to fill a
37 vacancy may serve for two additional successive terms. The governor may
38 remove a member for cause.

39 7. Members of the council shall be chosen to meet the following criteria:

40 (1) The majority of the council shall be comprised of people with
41 disabilities, representing the various disability groups. The remaining positions
42 shall be filled by family members of people with disabilities, persons who
43 represent other disability-related groups, and other advocates. A person
44 considered to have a disability shall meet the federal definition of disability as
45 defined by P.L. 101-336;

46 (2) The council shall include at least one member from each
47 congressional district;

48 (3) Members of the council shall be knowledgeable about
49 disability-related issues and have demonstrated a commitment to full
50 participation of people with disabilities in all aspects of community life.

51 8. The chairperson of the council shall serve without compensation but
52 shall be reimbursed for actual and necessary travel and other expenses incurred
53 in the performance of the duties as chairperson of the council on disability. The
54 members of the council shall serve without compensation but may be reimbursed
55 for their actual and necessary expenses incurred in attending all meetings
56 provided for by sections 286.200 to 286.210.

57 9. The council shall meet at least once each calendar quarter to conduct
58 its business. The executive director shall give written notice by mail to each
59 member of the time and place of each meeting of the council at least ten days
60 before the scheduled date of the meetings, and notice of any special meetings
61 shall state the specific matters to be considered in the special meeting which is
62 not a regular quarterly meeting.

63 10. The chairperson, with the advice and consent of the council, shall
64 appoint an executive director who shall serve as a nonvoting member and
65 executive officer of the council. The executive director shall serve under the
66 supervision of the chairperson of the council. The executive director shall be a
67 person who is knowledgeable about disability-related issues and has
68 demonstrated a commitment to full participation of people with disabilities in all
69 aspects of community life.

70 11. All information, documents, records and contracts of the committee
71 on employment of people with disabilities shall become those of the council on
72 disability.

73 12. The director of each state department shall designate at least one
74 employee who shall act as a liaison with the council.]
75

[286.205. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and have direct input
3 to all divisions of the office of administration on policies and practices which
4 impact people with disabilities. Input shall include policies and practices
5 affecting personnel, purchasing, design and construction of new facilities,
6 facilities management, budget and planning and general services. In the
7 administration of its duties, the governor's council on disability in cooperation
8 with the office of administration shall offer technical assistance to help all
9 departments, divisions and branches of state government comply with applicable
10 state and federal law regarding persons with disabilities;

11 (2) Work and cooperate with other state commissions, councils or
12 committees pertaining to disabilities and other national, state and local entities
13 to create public policies and encourage system changes which eliminate barriers
14 to people with disabilities;

15 (3) Advocate for public policies and practices which:
16 (a) Promote employment of people with disabilities;
17 (b) Expand opportunities in all aspects of life; and
18 (c) Promote awareness of and compliance with various federal, state and
19 local laws dealing with disabilities;

20 (4) Gather input from disability-related organizations and the public on
21 disability-related issues and report the results of this information in council
22 reports to the governor;

23 (5) Accept grants, private gifts, and bequests, to be used to achieve the
24 purposes of sections 286.200 to 286.210;

25 (6) Promulgate those bylaws necessary for the efficient operation of the
26 council;

27 (7) Prepare an annual report to be presented to the governor not later than
28 January first of each year.]
29

2 [286.210. The governor's council on disability may receive funds and
3 property by gift, devise, bequest or otherwise and may solicit funds to be used in
4 carrying out the purposes of sections 286.200 to 286.210.]

2 [302.136. The director shall by regulation establish the "Motorcycle
3 Safety Program Advisory Committee" to assist in the development and
4 implementation of the program. The committee shall consist of seven members
5 and shall include members representing the motoring public, motorcycle
6 dealerships, motorcycle instructors, law enforcement agencies, the motorcycle
7 safety education program, and the department of public safety. Beginning on
8 August 28, 1999, the governor shall appoint the members of the committee for
9 terms of three years; except those first appointed by the governor, two shall be
10 for terms of one year, two shall be for terms of two years and three shall be for
11 terms of three years. The committee shall appoint a chairman and meet at least
12 two times per year. Members shall serve without compensation, but may be
13 reimbursed for their reasonable expenses incurred in the performance of their
14 duties.]

2 [369.304. The procedure in all hearings before the director of the division
3 of finance shall be governed by, and conducted under, the provisions of chapter
4 536, RSMo. The director may grant a hearing on any matter but shall be required
5 to do so only where so directed in sections 369.010 to 369.369. Unless otherwise
6 specifically provided by sections 369.010 to 369.369, any person who deems
7 himself or herself aggrieved by any decision, order, or action of the director may
8 appeal such decision and may receive a hearing before the state savings and loan
9 commission as provided in section 369.319. All decisions of the director shall
10 be final if not appealed to the commission as provided in section 369.319.]

2 [369.309. 1. There is created in the division of finance a "State Savings
3 and Loan Commission" which shall have such powers and duties as are now or
4 hereafter conferred upon it by law.

5 2. The commission shall consist of five members who shall be appointed
6 by the governor. They shall be residents of this state, and one of them shall be
7 a member of the Missouri Bar in good standing. The other members of the
8 commission shall each have had at least five years' experience in this state as an
9 officer or director of one or more associations. Not more than three members of
10 the commission shall be members of the same political party.

11 3. The term of office of each member of the commission shall be six
12 years. Members shall serve until their successors are duly appointed and have
13 qualified. Each member of the state savings and loan commission shall serve for
14 the remainder of the term for which the member was appointed to the
commission. The commission shall select its own chairman and secretary.

15 Vacancies in the commission shall be filled for the unexpired term in the same
16 manner as in the case of an original appointment.

17 4. The members of the commission shall receive as compensation the
18 sum of fifty dollars per day while discharging their duties, and they shall be
19 reimbursed for their actual and necessary expenses incurred in the performance
20 of their duties.

21 5. A majority of the members of the commission shall constitute a
22 quorum and the decision of a majority of a quorum shall be the decision of the
23 commission. The commission shall meet upon call of its chairman, or of the
24 director of the division of finance, or of any two members of the commission, and
25 may meet at any place in this state.]
26

2 [369.319. An appeal shall be perfected by filing with the director of the
3 division of finance within fifteen days after notice of the director's decision is
4 mailed, a notice of appeal stating the name of the appealing party and the order
5 or decision appealed from. The director shall mail copies thereof to all interested
6 parties. Upon any such hearing the transcript of the proceedings before the
7 director or, if the decision appealed from was made without a hearing, all
8 writings used or considered by the director in making such decision, shall be
9 considered by the commission and the commission may take evidence, the taking
10 of such evidence to be limited to newly discovered evidence in those appeals in
11 which there was a hearing before the director and to be governed by the
12 provisions of chapter 536, RSMo. The review by the commission shall be similar
13 to that provided in appeals in equity cases in the courts of this state. Decisions
14 shall be made as provided in chapter 536, RSMo. The costs on appeal shall
15 include the per diem compensation of the members of the commission and all
16 such costs may be assessed against parties other than the director as may be
17 determined by the commission. At least fifteen days' notice of the hearing shall
18 be given to all persons interested in the matter appealed from and to the director.]

2 [622.055. 1. A "Transportation Development Commission" is hereby
3 established. It shall consist of five senators appointed by the president pro tem
4 of the senate, five representatives appointed by the speaker of the house of
5 representatives, and five persons, not less than one of whom shall be an intrastate
6 certificated carrier, not less than one of whom shall be associated with a railroad
7 industry, and not less than one of whom shall be a shipper, appointed by the
8 director of the department of economic development.

9 2. The commission shall meet and organize by electing one legislative
10 member as chairman and another legislative member as vice chairman. The
11 commission shall meet as often as necessary to carry out its duties at such places
as may be convenient for this purpose.

12 3. Members shall not receive any compensation for the performance of
13 their duties, but all shall be reimbursed for actual and necessary expenses
14 incurred in the performance of those duties, the legislative members from the
15 contingent funds of their respective houses, and the public members from funds
16 appropriated to the department of economic development.]
17

2 [622.057. The transportation development commission shall study the
3 implementation of the provisions of sections 622.010 to 622.059 and section
4 680.307, RSMo, and shall make recommendations therefor to the motor carrier
5 and railroad safety division and the department director. It shall also consider
6 any other appropriate matter relating to the operation of the motor carrier and
7 railroad safety division and the development and regulation of transportation
8 activities within this state. It shall consider the need for new or changed laws or
9 regulations relating to the development and regulation of transportation activities,
10 and shall from time to time make recommendations to the governor and the
11 general assembly in connection therewith to the end that the development of
12 transportation entities and facilities will enhance the economic development of
13 the state.]

2 [630.910. 1. There is hereby created within the department of mental
3 health the "Suicide Prevention Advisory Committee" to be comprised of the
4 following eighteen members:

5 (1) Six representatives from each of the following state departments:
6 mental health, health and senior services, social services, elementary and
7 secondary education, corrections, and higher education;

8 (2) Ten citizen members representing suicide survivors, the criminal
9 justice system, the business community, clergy, schools, youth, mental health
10 professionals, health care providers, nonprofit organizations, and a researcher to
11 be appointed by the governor;

12 (3) One member from the house of representatives to be appointed by the
13 speaker of the house of representatives; and

14 (4) One member of the senate to be appointed by the president pro tem
15 of the senate.

16 2. The initial appointments to the advisory committee shall be made by
17 October 1, 2005. The initial ten members appointed under subdivision (2) of
18 subsection 1 of this section shall be appointed as follows: four members shall be
19 appointed for a four-year term, three members shall be appointed for a three-year
20 term, and three members shall be appointed for a two-year term.

21 3. The first meeting of the advisory committee shall be scheduled by the
22 director of the department of mental health and held on or before December 1,
23 2005. The committee shall meet at least quarterly thereafter. The director of the
department of mental health, or the director's designee, shall be the chair of the

24 advisory committee. Each of the departments listed in subdivision (1) of
25 subsection 1 of this section shall provide staff and technical support for the
26 advisory committee.

27 4. The advisory committee shall:

28 (1) Provide oversight, technical support, and outcome promotion for
29 prevention activities;

30 (2) Develop annual goals and objectives for ongoing suicide prevention
31 efforts;

32 (3) Make information on prevention and mental health intervention
33 models available to community groups implementing suicide prevention
34 programs;

35 (4) Promote the use of outcome methods that will allow comparison and
36 evaluation of the efficacy, effectiveness, cultural competence, and
37 cost-effectiveness of plan-supported interventions, including making specific
38 recording and monitoring instruments available for plan-supported projects;

39 (5) Review and recommend changes to existing or proposed statutes,
40 rules, and policies to prevent suicides; and

41 (6) Coordinate and issue a biannual report on suicide and suicidal
42 behaviors in the state using information drawn from federal, state, and local
43 sources.

44 5. Members of the committee shall serve without compensation but the
45 ten citizen members may be reimbursed for any actual expenses incurred in the
46 performance of their duties as members of the advisory committee.]
47

2 [701.302. 1. There is hereby established the "Advisory Committee on
3 Lead Poisoning". The members of the committee shall consist of twenty-seven
4 persons who shall be appointed by the governor with the advice and consent of
5 the senate, except as otherwise provided in this subsection. At least five of the
6 members of the committee shall be African-Americans or representatives of other
7 minority groups disproportionately affected by lead poisoning. The members of
8 the committee shall include:

8 (1) The director of the department of health and senior services or the
9 director's designee, who shall serve as an ex officio member;

10 (2) The director of the department of economic development or the
11 director's designee, who shall serve as an ex officio member;

12 (3) The director of the department of natural resources or the director's
13 designee, who shall serve as an ex officio member;

14 (4) The director of the department of social services or the director's
15 designee, who shall serve as an ex officio member;

16 (5) The director of the department of labor and industrial relations or the
17 director's designee, who shall serve as an ex officio member;

- 18 (6) One member of the senate, appointed by the president pro tempore
- 19 of the senate, and one member of the house of representatives, appointed by the
- 20 speaker of the house of representatives;
- 21 (7) A representative of the office of the attorney general, who shall serve
- 22 as an ex officio member;
- 23 (8) A member of a city council, county commission or other local
- 24 governmental entity;
- 25 (9) A representative of a community housing organization;
- 26 (10) A representative of property owners;
- 27 (11) A representative of the real estate industry;
- 28 (12) One representative of an appropriate public interest organization and
- 29 one representative of a local public health agency promoting environmental
- 30 health and advocating protection of children's health;
- 31 (13) A representative of the lead industry;
- 32 (14) A representative of the insurance industry;
- 33 (15) A representative of the banking industry;
- 34 (16) A parent of a currently or previously lead-poisoned child;
- 35 (17) A representative of the school boards association or an employee of
- 36 the department of elementary and secondary education, selected by the
- 37 commissioner of elementary and secondary education;
- 38 (18) Two representatives of the lead abatement industry, including one
- 39 licensed lead abatement contractor and one licensed lead abatement worker;
- 40 (19) A physician licensed under chapter 334, RSMo;
- 41 (20) A representative of a lead testing laboratory;
- 42 (21) A lead inspector or risk assessor;
- 43 (22) The chief engineer of the department of transportation or the chief
- 44 engineer's designee, who shall serve as an ex officio member;
- 45 (23) A representative of a regulated industrial business; and
- 46 (24) A representative of a business organization.
- 47 2. The committee shall make recommendations relating to actions to:
- 48 (1) Eradicate childhood lead poisoning by the year 2012;
- 49 (2) Screen children for lead poisoning;
- 50 (3) Treat and medically manage lead-poisoned children;
- 51 (4) Prevent lead poisoning in children;
- 52 (5) Maintain and increase laboratory capacity for lead assessments and
- 53 screening, and a quality control program for laboratories;
- 54 (6) Abate lead problems after discovery;
- 55 (7) Identify additional resources, either through a tax or fee structure, to
- 56 implement programs necessary to address lead poisoning problems and issues;
- 57 (8) Provide an educational program on lead poisoning for the general
- 58 public and health care providers;

59 (9) Determine procedures for the removal and disposal of all lead
60 contaminated waste in accordance with the Toxic Substances Control Act, as
61 amended, 42 U.S.C. 2681, et seq., solid waste and hazardous waste statutes, and
62 any other applicable federal and state statutes and regulations.

63 3. The committee members shall receive no compensation but shall,
64 subject to appropriations, be reimbursed for actual and necessary expenses
65 incurred in the performance of their duties. All public members and local
66 officials shall serve for a term of two years and until their successors are selected
67 and qualified, and other members shall serve for as long as they hold the office
68 or position from which they were appointed.

69 4. No later than December fifteenth of each year, the committee shall
70 provide a written annual report of its recommendations for actions as required
71 pursuant to subsection 2 of this section to the governor and general assembly,
72 including any legislation proposed by the committee to implement the
73 recommendations.

74 5. The committee shall submit records of its meetings to the secretary of
75 the senate and the chief clerk of the house of representatives in accordance with
76 sections 610.020 and 610.023, RSMo.]

Section B. Because immediate action is necessary to ensure the continuation of efficient
2 and proper administration of government, the repeal and reenactment of sections 48.020 and
3 144.019 of section A of this act is deemed necessary for the immediate preservation of the public
4 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
5 meaning of the constitution, and the repeal and reenactment of sections 48.020 and 144.019 of
6 section A of this act shall be in full force and effect upon its passage and approval.

✓