

SECOND REGULAR SESSION

REVISION

# SENATE BILL NO. 714

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LAGER.

Read 1st time January 14, 2014, and ordered printed.

4782L.01I

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 8.305, 21.485, 21.800, 21.801, 21.830, 21.910, 82.291, 105.915, 115.121, 143.811, 160.254, 160.534, 160.932, 167.194, 168.081, 168.083, 171.033, 178.930, 191.115, 192.105, 196.1035, 197.291, 208.955, 262.950, 288.131, 311.489, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 393.171, 443.805, 488.2205, 542.301, 620.602, 633.410, 640.850, 643.079, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, and to enact in lieu thereof thirteen new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with a penalty provision.

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

Section A. Sections 8.305, 21.485, 21.800, 21.801, 21.830, 21.910, 82.291, 105.915, 115.121, 143.811, 160.254, 160.534, 160.932, 167.194, 168.081, 168.083, 171.033, 178.930, 191.115, 192.105, 196.1035, 197.291, 208.955, 262.950, 288.131, 311.489, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 393.171, 443.805, 488.2205, 542.301, 620.602, 633.410, 640.850, 643.079, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 105.915, 115.121, 143.811, 160.254, 160.534, 168.081, 171.033, 178.930, 196.1035, 208.955, 443.805, 542.301, and 643.079, to read as follows:

EXPLANATION: The two ex officio members' terms have expired.

105.915. 1. The board of trustees of the Missouri state employees' retirement system shall administer the deferred compensation fund for the

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

3 employees of the state of Missouri that was previously administered by the  
4 deferred compensation commission, as established in section 105.910, prior to  
5 August 28, 2007. The board shall be vested with the same powers that it has  
6 under chapter 104 to enable it and its officers, employees, and agents to  
7 administer the fund under sections 105.900 to 105.927. [Two of the  
8 commissioners serving on the deferred compensation commission immediately  
9 prior to the transfer made to the board under section 105.910 shall serve as ex  
10 officio members of the board solely to participate in the duties of administering  
11 the deferred compensation fund. One such commissioner serving as an ex officio  
12 board member shall be a member of the house of representatives selected by the  
13 speaker of the house of representatives, and such commissioner's service on the  
14 board shall cease on December 31, 2009. The other commissioner serving as an  
15 ex officio board member shall be the chairman of the deferred compensation  
16 commission immediately prior to the transfer made to the board under section  
17 105.910, and such commissioner's service on the board shall cease December 31,  
18 2008.]

19           2. Except as provided in this subsection, participation in such plan shall  
20 be by a specific written agreement between state employees and the state, which  
21 shall provide for the deferral of such amounts of compensation as requested by  
22 the employee subject to any limitations imposed under federal law. Participating  
23 employees must authorize that such deferrals be made from their wages for the  
24 purpose of participation in such program. An election to defer compensation shall  
25 be made before the beginning of the month in which the compensation is  
26 paid. Contributions shall be made for payroll periods occurring on or after the  
27 first day of the month after the election is made. Each employee eligible to  
28 participate in the plan hired on or after July 1, 2012, shall be enrolled in the plan  
29 automatically and his or her employer shall, in accordance with the plan  
30 document, withhold and contribute to the plan an amount equal to one percent  
31 of eligible compensation received on and after the date of hire, unless the  
32 employee elects not to participate in the plan within the first thirty days of  
33 employment, and in that event, any amounts contributed and earnings thereon  
34 will be refunded by the plan to the employee pursuant to the procedure contained  
35 in the plan documents. Employees who are employed by a state college or  
36 university shall not be automatically enrolled but may elect to participate in the  
37 plan and make contributions in accordance with the terms of the  
38 plan. Employees who are enrolled automatically may elect to change the

39 contribution rate in accordance with the terms of the plan. Employees who elect  
40 not to participate in the plan may at a later date elect to participate in the plan  
41 and make contributions in accordance with the terms of the plan. All assets and  
42 income of such fund shall be held in trust by the board for the exclusive benefit  
43 of participants and their beneficiaries. Assets of such trust, and the trust  
44 established pursuant to section 105.927, may be pooled solely for investment  
45 management purposes with assets of the trust established under section 104.320.

46 3. Notwithstanding any other provision of sections 105.900 to 105.927,  
47 funds held for the state by the board in accordance with written deferred  
48 compensation agreements between the state and participating employees may be  
49 invested in such investments as are deemed appropriate by the board. All  
50 administrative costs of the program described in this section, including staffing  
51 and overhead expenses, may be paid out of assets of the fund, which may reduce  
52 the amount due participants in the fund. Such investments shall not be  
53 construed to be a prohibited use of the general assets of the state.

54 4. Investments offered under the deferred compensation fund for the  
55 employees of the state of Missouri shall be made available at the discretion of the  
56 board.

57 5. The board and employees of the Missouri state employees' retirement  
58 system shall be immune from suit and shall not be subject to any claim or  
59 liability associated with any administrative actions or decisions made by the  
60 commission with regard to the deferred compensation program prior to the  
61 transfer made to the board under section 105.910.

62 6. The board and employees of the system shall not be liable for the  
63 investment decisions made or not made by participating employees as long as the  
64 board acts with the same skill, prudence, and diligence in the selection and  
65 monitoring of providers of investment products, education, advice, or any default  
66 investment option, under the circumstances then prevailing that a prudent person  
67 acting in a similar capacity and familiar with those matters would use in the  
68 conduct of a similar enterprise with similar aims.

69 7. The system shall be immune from suit and shall not be subject to any  
70 claim or liability associated with the administration of the deferred compensation  
71 fund by the board and employees of the system.

72 8. Beginning on or after September 1, 2011, if a participant under the  
73 deferred compensation plan or the plan established under section 105.927 is  
74 married on the date of his or her death, the participant's surviving spouse shall

75 be automatically designated as the primary beneficiary under both plans, unless  
76 the surviving spouse consented in writing, witnessed by a notary public, to allow  
77 the participant to designate a nonspouse beneficiary. As used in this subsection,  
78 "surviving spouse" means the spouse as defined pursuant to section 104.012 to  
79 whom the participant is lawfully married on the date of death of the participant,  
80 provided that a former spouse shall be treated as the surviving spouse of the  
81 participant to the extent provided under a judgment, decree, or order that relates  
82 to child support, alimony payments, or marital property rights made under  
83 Missouri domestic relations law that creates or recognizes the existence of such  
84 former spouse's right to receive all or a portion expressed as a stated dollar  
85 amount or specific percentage stated in integers of the benefits payable from such  
86 plan upon the death of the participant. This subsection shall not apply to  
87 beneficiary designations made prior to September 1, 2011.

88           9. The board may adopt and amend plan documents to change the terms  
89 and conditions of the deferred compensation plan and the plan established under  
90 section 105.927 that are consistent with federal law.

EXPLANATION: Subsections 4, 5, & 6 apply only to the 2003 and 2009 elections.

115.121. 1. The general election day shall be the first Tuesday after the  
2 first Monday in November of even-numbered years.

3           2. The primary election day shall be the first Tuesday after the first  
4 Monday in August of even-numbered years.

5           3. The election day for the election of political subdivision and special  
6 district officers shall be the first Tuesday after the first Monday in April each  
7 year; and shall be known as the general municipal election day.

8           [4. In addition to the primary election day provided for in subsection 2 of  
9 this section, for the year 2003, the first Tuesday after the first Monday in August,  
10 2003, also shall be a primary election day for the purpose of permitting school  
11 districts and other political subdivisions of Missouri to incur debt in accordance  
12 with the provisions of Article VI, Section 26(a) through 26(g) of the Missouri  
13 Constitution, with the approval of four-sevenths of the eligible voters of such  
14 school district or other political subdivision voting thereon, to provide funds for  
15 the acquisition, construction, equipping, improving, restoration, and furnishing  
16 of facilities to replace, repair, reconstruct, reequip, restore, and refurnish  
17 facilities damaged, destroyed, or lost due to severe weather, including, without  
18 limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the  
19 like which occurred during the month of April or May, 2003.

20           5. Notwithstanding the provisions of subsection 1 of section 115.125, the  
21 officer or agency calling an election on the first Tuesday after the first Monday  
22 of August, 2003, shall notify the election authorities responsible for conducting  
23 the election not later than 5:00 p.m. on the sixth Tuesday prior to the  
24 election. For purposes of any such election, all references in section 115.125 to  
25 the tenth Tuesday prior to such election shall be deemed to refer to the sixth  
26 Tuesday prior to such election.

27           6. In addition to the general election day provided for in subsection 1 of  
28 this section, for the year 2009 the first Tuesday after the first Monday in  
29 November shall be a general election day for the purpose of permitting school  
30 districts to incur debt in accordance with the provisions of Article VI, Section  
31 26(a) through 26(g) of the Missouri Constitution, with the approval of  
32 four-sevenths of the eligible voters of such school district, to provide funds for  
33 school districts to acquire, construct, equip, improve, restore, and furnish public  
34 school facilities in accordance with the provisions of Section 54F of the Internal  
35 Revenue Code of 1986, as amended, which provides for qualified school  
36 construction bonds and the provisions of Section 54AA of the Internal Revenue  
37 Code of 1986, as amended, which provides for build America bonds, as well as in  
38 accordance with the provisions of Section 103 of the Internal Revenue Code of  
39 1986, as amended, which provides for traditional government bonds.]

EXPLANATION: A portion of subsection 7 of this section applied to a transfer  
of moneys for FY2003.

143.811. 1. Under regulations prescribed by the director of revenue,  
2 interest shall be allowed and paid at the rate determined by section 32.065 on  
3 any overpayment in respect of the tax imposed by sections 143.011 to 143.996;  
4 except that, where the overpayment resulted from the filing of an amendment of  
5 the tax by the taxpayer after the last day prescribed for the filing of the return,  
6 interest shall be allowed and paid at the rate of six percent per annum. With  
7 respect to the part of an overpayment attributable to a deposit made pursuant to  
8 subsection 2 of section 143.631, interest shall be paid thereon at the rate in  
9 section 32.065 from the date of the deposit to the date of refund. No interest  
10 shall be allowed or paid if the amount thereof is less than one dollar.

11           2. For purposes of this section:

12           (1) Any return filed before the last day prescribed for the filing thereof  
13 shall be considered as filed on such last day determined without regard to any  
14 extension of time granted the taxpayer;

15           (2) Any tax paid by the taxpayer before the last day prescribed for its  
16 payment, any income tax withheld from the taxpayer during any calendar year,  
17 and any amount paid by the taxpayer as estimated income tax for a taxable year  
18 shall be deemed to have been paid by him on the fifteenth day of the fourth  
19 month following the close of his taxable year to which such amount constitutes  
20 a credit or payment.

21           3. For purposes of this section with respect to any withholding tax:

22           (1) If a return for any period ending with or within a calendar year is filed  
23 before April fifteenth of the succeeding calendar year, such return shall be  
24 considered filed April fifteenth of such succeeding calendar year; and

25           (2) If a tax with respect to remuneration paid during any period ending  
26 with or within a calendar year is paid before April fifteenth of the succeeding  
27 calendar year, such tax shall be considered paid on April fifteenth of such  
28 succeeding calendar year.

29           4. If any overpayment of tax imposed by sections 143.061 and 143.071 is  
30 refunded within four months after the last date prescribed (or permitted by  
31 extension of time) for filing the return of such tax or within four months after the  
32 return was filed, whichever is later, no interest shall be allowed under this  
33 section on overpayment.

34           5. If any overpayment of tax imposed by sections 143.011 and 143.041 is  
35 refunded within ninety days after the last date prescribed or permitted by  
36 extension of time for filing the return of such tax, no interest shall be allowed  
37 under this section on overpayment.

38           6. Any overpayment resulting from a carryback, including a net operating  
39 loss and a corporate capital loss, shall be deemed not to have been made prior to  
40 the close of the taxable year in which the loss arises.

41           7. Any overpayment resulting from a carryback of a tax credit, including  
42 but not limited to the tax credits provided in sections 253.557 and 348.432, shall  
43 be deemed not to have been made prior to the close of the taxable year in which  
44 the tax credit was authorized. [In fiscal year 2003, the commissioner of  
45 administration shall estimate the amount of any additional state revenue received  
46 pursuant to the provisions of this subsection and shall transfer an equivalent  
47 amount of general revenue to the schools of the future fund created in section  
48 163.005.]

EXPLANATION: The authority for an interim committee under subsection 5  
expired 01-29-10 (report submitted by deadline).

160.254. 1. There is hereby established a joint committee of the general  
2 assembly, which shall be known as the "Joint Committee on Education", which  
3 shall be composed of seven members of the senate and seven members of the  
4 house of representatives. The senate members of the committee shall be  
5 appointed by the president pro tem of the senate and the house members by the  
6 speaker of the house.

7 2. The committee shall meet at least twice a year. In the event of three  
8 consecutive absences on the part of any member, such member may be removed  
9 from the committee.

10 3. The committee shall select either a chairman or cochairmen, one of  
11 whom shall be a member of the senate and one a member of the house. A  
12 majority of the members shall constitute a quorum. Meetings of the committee  
13 may be called at such time and place as the chairman or chairmen designate.

14 4. The committee shall:

15 (1) Review and monitor the progress of education in the state's public  
16 schools and institutions of higher education;

17 (2) Receive reports from the commissioner of education concerning the  
18 public schools and from the commissioner of higher education concerning  
19 institutions of higher education;

20 (3) Conduct a study and analysis of the public school system;

21 (4) Make recommendations to the general assembly for legislative action;

22 (5) Conduct an in-depth study concerning all issues relating to the equity  
23 and adequacy of the distribution of state school aid, teachers' salaries, funding  
24 for school buildings, and overall funding levels for schools and any other  
25 education funding-related issues the committee deems relevant;

26 (6) Monitor the establishment of performance measures as required by  
27 section 173.1006 and report on their establishment to the governor and the  
28 general assembly;

29 (7) Conduct studies and analysis regarding:

30 (a) The higher education system, including financing public higher  
31 education and the provision of financial aid for higher education; and

32 (b) The feasibility of including students enrolled in proprietary schools,  
33 as that term is defined in section 173.600, in all state-based financial aid  
34 programs;

35 (8) Annually review the collection of information under section 173.093  
36 to facilitate a more accurate comparison of the actual costs at public and private

37 higher education institutions;

38 (9) Within three years of August 28, 2007, review a new model for the  
39 funding of public higher education institutions upon submission of such model by  
40 the coordinating board for higher education;

41 (10) Within three years of August 28, 2007, review the impact of the  
42 higher education student funding act established in sections 173.1000 to  
43 173.1006;

44 (11) Beginning August 28, 2008, upon review, approve or deny any  
45 expenditures made by the commissioner of education pursuant to section 160.530,  
46 as provided in subsection 5 of section 160.530.

47 5. [During the legislative interim between the first regular session of the  
48 ninety-fifth general assembly through January 29, 2010, of the second regular  
49 session of the ninety-fifth general assembly, the joint committee on education  
50 shall study the issue of open enrollment for public school students across school  
51 district boundary lines in this state. In studying this issue, the joint committee  
52 may solicit input and information necessary to fulfill its obligation, including but  
53 not limited to soliciting input and information from any state department, state  
54 agency, school district, political subdivisions of this state, teachers, and the  
55 general public. The joint committee shall prepare a final report, together with  
56 its recommendations for any legislative action deemed necessary for submission  
57 to the general assembly by December 31, 2009.

58 6.] The committee may make reasonable requests for staff assistance from  
59 the research and appropriations staffs of the house and senate and the committee  
60 on legislative research, as well as the department of elementary and secondary  
61 education, the department of higher education, the coordinating board for higher  
62 education, the state tax commission, the department of economic development, all  
63 school districts and other political subdivisions of this state, teachers and teacher  
64 groups, business and other commercial interests and any other interested  
65 persons.

66 [7.] 6. Members of the committee shall receive no compensation but may  
67 be reimbursed for reasonable and necessary expenses associated with the  
68 performance of their official duties.

EXPLANATION: Subsection 2 expired 07-01-10 and subsection 3 expired 07-01-  
09.

160.534. [1.] For fiscal year 1996 and each subsequent fiscal year, any  
2 amount of the excursion gambling boat proceeds deposited in the gaming proceeds



3 for education fund in excess of the amount transferred to the school district bond  
4 fund as provided in section 164.303 shall be transferred to the classroom trust  
5 fund. Such moneys shall be distributed in the manner provided in section  
6 163.043.

7 [2. Starting in fiscal year 2009, and for each subsequent fiscal year, all  
8 excursion gambling boat proceeds deposited in the gaming proceeds for education  
9 fund in excess of the amount transferred to the classroom trust fund for fiscal  
10 year 2008 plus the amount appropriated to the school district bond fund in  
11 accordance with section 164.303 shall be deposited into the schools first  
12 elementary and secondary education improvement fund. The provisions of this  
13 subsection shall terminate on July 1, 2010.

14 3. The amounts deposited in the schools first elementary and secondary  
15 education improvement fund pursuant to this section shall constitute new and  
16 additional funding for elementary and secondary education and shall not be used  
17 to replace existing funding provided for elementary and secondary education. The  
18 provisions of this subsection shall terminate on July 1, 2009.]

EXPLANATION: This section contains an intersectional reference for a Section  
168.083 which is repealed in this act.

168.081. After September 1, 1988, no person without a valid Missouri  
2 certificate shall:

- 3 (1) Engage in the practice of teaching or the performance of education  
4 duties in grades kindergarten through twelve in any public school in the state;  
5 (2) Act as a school administrator in any public school district[, unless  
6 such person obtains a temporary administrator certificate pursuant to section  
7 168.083].

EXPLANATION: Subsection 3 of this section applies only to a past school year.

171.033. 1. "Inclement weather", for purposes of this section, shall be  
2 defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not  
3 include excessive heat.

4 2. A district shall be required to make up the first six days of school lost  
5 or cancelled due to inclement weather and half the number of days lost or  
6 cancelled in excess of six days if the makeup of the days is necessary to ensure  
7 that the district's students will attend a minimum of one hundred forty-two days  
8 and a minimum of one thousand forty-four hours for the school year except as  
9 otherwise provided in this section. Schools with a four-day school week may  
10 schedule such make-up days on Fridays.

11           3. [In the 2008-09 school year a school district may be exempt from the  
12 requirement to make up days of school lost or cancelled due to inclement weather  
13 in the school district when the school district has made up the six days required  
14 under subsection 2 of this section and half the number of additional lost or  
15 cancelled days up to eight days, resulting in no more than ten total make-up days  
16 required by this section.

17           4.] In the 2009-10 school year and subsequent years, a school district may  
18 be exempt from the requirement to make up days of school lost or cancelled due  
19 to inclement weather in the school district when the school district has made up  
20 the six days required under subsection 2 of this section and half the number of  
21 additional lost or cancelled days up to eight days, resulting in no more than ten  
22 total make-up days required by this section.

23           [5.] 4. The commissioner of education may provide, for any school district  
24 in which schools are in session for twelve months of each calendar year that  
25 cannot meet the minimum school calendar requirement of at least one hundred  
26 seventy-four days for schools with a five-day school week or one hundred forty-two  
27 days for schools with a four-day school week and one thousand forty-four hours  
28 of actual pupil attendance, upon request, a waiver to be excused from such  
29 requirement. This waiver shall be requested from the commissioner of education  
30 and may be granted if the school was closed due to circumstances beyond school  
31 district control, including inclement weather, flooding or fire.

EXPLANATION: Subdivision (1) of subsection 1 of this section applies only to FY  
2010.

178.930. 1. [(1) Beginning July 1, 2009, and until June 30, 2010, the  
2 department of elementary and secondary education shall pay monthly, out of the  
3 funds appropriated to it for that purpose, to each sheltered workshop a sum equal  
4 to ninety dollars for each standard workweek (Monday through Friday) of up to  
5 and including thirty hours worked during the preceding calendar  
6 month. Eighteen dollars shall be paid for each six-hour or longer day worked by  
7 a handicapped employee on Saturdays or Sundays. For each handicapped worker  
8 employed by a sheltered workshop for less than a thirty-hour week or a six-hour  
9 day on Saturdays or Sundays, the workshop shall receive a percentage of the  
10 corresponding amount normally paid based on the percentage of time worked by  
11 the handicapped employee.

12           (2)] Beginning July 1, 2010, and thereafter, the department of elementary  
13 and secondary education shall pay monthly, out of the funds appropriated to it

14 for that purpose, to each sheltered workshop a sum equal to ninety-five dollars  
15 for each standard workweek (Monday through Friday) of up to and including  
16 thirty hours worked **by disabled workers** during the preceding calendar  
17 month. Nineteen dollars shall be paid for each six-hour or longer day worked by  
18 a [handicapped] **disabled** employee on Saturdays or Sundays. For each  
19 [handicapped] **disabled** worker employed by a sheltered workshop for less than  
20 a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall  
21 receive a percentage of the corresponding amount normally paid based on the  
22 percentage of time worked by the [handicapped] **disabled** employee.

23         2. The department shall accept, as prima facie proof of payment due to a  
24 sheltered workshop, information as designated by the department, either in paper  
25 or electronic format. A statement signed by the president, secretary, and  
26 manager of the sheltered workshop, setting forth the dates worked and the  
27 number of hours worked each day by each [handicapped] **disabled** person  
28 employed by that sheltered workshop during the preceding calendar month,  
29 together with any other information required by the rules or regulations of the  
30 department, shall be maintained at the workshop location.

31         3. There is hereby created in the state treasury the "Sheltered Workshop  
32 Per Diem Revolving Fund" which shall be administered by the commissioner of  
33 the department of elementary and secondary education. All moneys appropriated  
34 pursuant to subsection 1 of this section shall be deposited in the fund and  
35 expended as described in subsection 1 of this section.

36         4. The balance of the sheltered workshop per diem revolving fund shall  
37 not exceed five hundred thousand dollars at the end of each fiscal year and shall  
38 be exempt from the provisions of section 33.080 relating to the transfer of  
39 unexpended balances to the general revenue fund. Any unexpended balance in  
40 the sheltered workshop per diem revolving fund at the end of each fiscal year  
41 exceeding five hundred thousand dollars shall be deposited in the general revenue  
42 fund.

EXPLANATION: Subsection 3 of this section applies only to calendar year 2010.

196.1035. 1. A determination of the director not to list, or to remove from  
2 the directory, a brand family or tobacco product manufacturer shall be subject to  
3 review by a court of competent jurisdiction.

4         2. No person shall be issued, or granted a renewal of, a license under  
5 chapter 149 unless such person has certified, in writing and under the penalty  
6 of perjury, that such person will comply fully with sections 196.1020 to 196.1035.

7           3. [For the calendar year 2010, if the effective date of sections 196.1020  
8 to 196.1035 is later than March 16, 2010:

9           (1) The first report of stamping agents required in subsection 1 of section  
10 196.1029 shall be due thirty calendar days after July 7, 2010;

11           (2) The certification by a tobacco product manufacturer described in  
12 subsection 1 of section 196.1023 shall be due forty-five calendar days after July  
13 7, 2010; and

14           (3) The directory described in subsection 2 of section 196.1023 shall be  
15 published, or made available, within one hundred thirty-five calendar days after  
16 July 7, 2010.

17           4.] The director may promulgate rules necessary to effect the purpose of  
18 sections 196.1020 to 196.1035. Any rule or portion of a rule, as that term is  
19 defined in section 536.010 that is created under the authority delegated in this  
20 section shall become effective only if it complies with and is subject to all of the  
21 provisions of chapter 536 and, if applicable, section 536.028. This section and  
22 chapter 536 are nonseverable and if any of the powers vested with the general  
23 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
24 disapprove and annul a rule are subsequently held unconstitutional, then the  
25 grant of rulemaking authority and any rule proposed or adopted after August 28,  
26 2010, shall be invalid and void.

27           [5.] 4. There is hereby created in the state treasury the "Tobacco Control  
28 Special Fund", which shall consist of money collected under this section. The  
29 state treasurer shall be custodian of the fund and may approve disbursements  
30 from the fund in accordance with sections 30.170 and 30.180. Upon  
31 appropriation, money in the fund shall be used solely for the administration of  
32 this section. Any moneys remaining in the fund at the end of the biennium shall  
33 revert to the credit of the general revenue fund. The state treasurer shall invest  
34 moneys in the fund in the same manner as other funds are invested. Any interest  
35 and moneys earned on such investments shall be credited to the fund.

36           [6.] 5. If a court of competent jurisdiction determines that a person has  
37 violated sections 196.1020 to 196.1035, such court shall order any profits, gains,  
38 gross receipts, or other benefits from such violation be disgorged and paid to the  
39 state treasurer for deposit in the "Tobacco Control Special Fund" **which is**  
40 **hereby created**. Unless otherwise expressly provided, the remedies or penalties  
41 provided by sections 196.1020 to 196.1035 are cumulative to each other and to the  
42 remedies or penalties available under all other laws of this state.

43 [7.] 6. If a court of competent jurisdiction finds that the provisions of  
44 sections 196.1003 and 196.1020 to 196.1035 conflict and cannot be harmonized,  
45 the provisions of section 196.1003 shall control. If any section or portion of a  
46 section in sections 196.1020 to 196.1035 causes section 196.1003 to no longer  
47 constitute a qualifying or model statute, as those terms are defined in the master  
48 settlement agreement, that portion of sections 196.1020 to 196.1035 shall be  
49 invalid.

EXPLANATION: The subcommittee and reports required under subsections 3 to  
7 of this section terminated 07-01-12.

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

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

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

9 (3) One consumer representative who has no financial interest in the  
10 health care industry and who has not been an employee of the state within the  
11 last five years;

12 (4) Two primary care physicians, licensed under chapter 334, who care for  
13 participants, not from the same geographic area, chosen in the same manner as  
14 described in section 334.120;

15 (5) Two physicians, licensed under chapter 334, who care for participants  
16 but who are not primary care physicians and are not from the same geographic  
17 area, chosen in the same manner as described in section 334.120;

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

19 (7) Two nonphysician health care professionals, the first nonphysician  
20 health care professional licensed under chapter 335 and the second nonphysician  
21 health care professional licensed under chapter 337, who care for participants;

22 (8) One dentist, who cares for participants, chosen in the same manner  
23 as described in section 332.021;

24 (9) Two patient advocates who have no financial interest in the health  
25 care industry and who have not been employees of the state within the last five  
26 years;

27 (10) One public member who has no financial interest in the health care

28 industry and who has not been an employee of the state within the last five years;  
29 and

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

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

48 (1) Meet on at least four occasions annually, including at least four before  
49 the end of December of the first year the committee is established. Meetings can  
50 be held by telephone or video conference at the discretion of the committee;

51 (2) Review the participant and provider satisfaction reports and the  
52 reports of health outcomes, social and behavioral outcomes, use of evidence-based  
53 medicine and best practices as required of the health improvement plans and the  
54 department of social services under section 208.950;

55 (3) Review the results from other states of the relative success or failure  
56 of various models of health delivery attempted;

57 (4) Review the results of studies comparing health plans conducted under  
58 section 208.950;

59 (5) Review the data from health risk assessments collected and reported  
60 under section 208.950;

61 (6) Review the results of the public process input collected under section  
62 208.950;

63 (7) Advise and approve proposed design and implementation proposals for

64 new health improvement plans submitted by the department, as well as make  
65 recommendations and suggest modifications when necessary;

66 (8) Determine how best to analyze and present the data reviewed under  
67 section 208.950 so that the health outcomes, participant and provider satisfaction,  
68 results from other states, health plan comparisons, financial impact of the various  
69 health improvement plans and models of care, study of provider access, and  
70 results of public input can be used by consumers, health care providers, and  
71 public officials;

72 (9) Present significant findings of the analysis required in subdivision (8)  
73 of this subsection in a report to the general assembly and governor, at least  
74 annually, beginning January 1, 2009;

75 (10) Review the budget forecast issued by the legislative budget office, and  
76 the report required under subsection (22) of subsection 1 of section 208.151, and  
77 after study:

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

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

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

83 (11) Conduct a study to determine whether an office of inspector general  
84 shall be established. Such office would be responsible for oversight, auditing,  
85 investigation, and performance review to provide increased accountability,  
86 integrity, and oversight of state medical assistance programs, to assist in  
87 improving agency and program operations, and to deter and identify fraud, abuse,  
88 and illegal acts. The committee shall review the experience of all states that  
89 have created a similar office to determine the impact of creating a similar office  
90 in this state; and

91 (12) Perform other tasks as necessary, including but not limited to making  
92 recommendations to the division concerning the promulgation of rules and  
93 emergency rules so that quality of care, provider availability, and participant  
94 satisfaction can be assured.

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

99 4.] The oversight committee shall designate a subcommittee devoted to

100 advising the department on the development of a comprehensive entry point  
101 system for long-term care that shall:

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

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

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

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

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

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

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

117 [5.] 4. The subcommittee shall include the following members:

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

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

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

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

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

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

131 (7) One member from the office of the state ombudsman for long-term care  
132 facility residents, designated by the governor;

133 (8) One member representing Missouri centers for independent living,  
134 designated by the governor;

135 (9) One consumer representative with expertise in services for seniors or



136 persons with a disability, designated by the governor;

137 (10) One member with expertise in Alzheimer's disease or related  
138 dementia;

139 (11) One member from a county developmental disability board,  
140 designated by the governor;

141 (12) One member representing the hospice care profession, designated by  
142 the governor;

143 (13) One member representing the home health care profession,  
144 designated by the governor;

145 (14) One member representing the adult day care profession, designated  
146 by the governor;

147 (15) One member gerontologist, designated by the governor;

148 (16) Two members representing the aged, blind, and disabled population,  
149 not of the same geographic area or demographic group designated by the  
150 governor;

151 (17) The directors of the departments of social services, mental health,  
152 and health and senior services, or their designees; and

153 (18) One member of the house of representatives and one member of the  
154 senate serving on the oversight committee, designated by the oversight committee  
155 chair.

156 Members shall serve on the subcommittee without compensation but may be  
157 reimbursed for their actual and necessary expenses from moneys appropriated to  
158 the department of health and senior services for that purpose. The department  
159 of health and senior services shall provide technical and administrative support  
160 services as required by the committee.

161 [6. By October 1, 2008, the comprehensive entry point system  
162 subcommittee shall submit its report to the governor and general assembly  
163 containing recommendations for the implementation of the comprehensive entry  
164 point system, offering suggested legislative or administrative proposals deemed  
165 necessary by the subcommittee to minimize conflict of interests for successful  
166 implementation of the system. Such report shall contain, but not be limited to,  
167 recommendations for implementation of the following consistent with the  
168 provisions of section 208.950:

169 (1) A complete statewide universal information and assistance system that  
170 is integrated into the web-based electronic patient health record that can be  
171 accessible by phone, in-person, via MO HealthNet providers and via the internet

172 that connects consumers to services or providers and is used to establish  
173 consumers' needs for services. Through the system, consumers shall be able to  
174 independently choose from a full range of home, community-based, and  
175 facility-based health and social services as well as access appropriate services to  
176 meet individual needs and preferences from the provider of the consumer's choice;

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

179 (3) A preadmission screening mechanism for MO HealthNet participants  
180 for nursing home care;

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

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

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

190 8.] 5. The provisions of section 23.253 shall not apply to sections 208.950  
191 to 208.955.

EXPLANATION: The exemption in subsection 3 expired June 1, 2010.

443.805. 1. No person shall engage in the business of brokering, funding,  
2 servicing or purchasing of residential mortgage loans without first obtaining a  
3 license as a residential mortgage loan broker from the director, pursuant to  
4 sections 443.701 to 443.893 and the regulations promulgated thereunder. The  
5 licensing provisions of sections 443.805 to 443.812 shall not apply to any person  
6 engaged solely in commercial mortgage lending or to any person exempt as  
7 provided in section 443.703 or pursuant to regulations promulgated as provided  
8 in sections 443.701 to 443.893.

9 2. No person except a licensee or exempt person shall do any business  
10 under any name or title or circulate or use any advertising or make any  
11 representation or give any information to any person which indicates or  
12 reasonably implies activity within the scope of the provisions of sections 443.701  
13 to 443.893.

14 [3. Any exempt entity as defined by section 443.803 on July 7, 2009, shall  
15 be exempt from the licensing requirements of this section until June 1, 2010. Any

16 such exempt entities already licensed between July 8, 2009, and June 1, 2010,  
17 shall not be eligible for any refund of licensure fees.]

EXPLANATION: The transfer of revenue authorized in subsection 16 applied only to FY2003.

542.301. 1. Property which comes into the custody of an officer or of a  
2 court as the result of any seizure and which has not been forfeited pursuant to  
3 any other provisions of law or returned to the claimant shall be disposed of as  
4 follows:

5 (1) Stolen property, or property acquired in any other manner declared an  
6 offense by chapters 569 and 570, but not including any of the property referred  
7 to in subdivision (2) of this subsection, shall be delivered by order of court upon  
8 claim having been made and established, to the person who is entitled to  
9 possession:

10 (a) The claim shall be made by written motion filed with the court with  
11 which a motion to suppress has been, or may be, filed. The claim shall be barred  
12 if not made within one year from the date of the seizure;

13 (b) Upon the filing of such motion, the judge shall order notice to be given  
14 to all persons interested in the property, including other claimants and the  
15 person from whose possession the property was seized, of the time, place and  
16 nature of the hearing to be held on the motion. The notice shall be given in a  
17 manner reasonably calculated to reach the attention of all interested  
18 persons. Notice may be given to unknown persons and to persons whose address  
19 is unknown by publication in a newspaper of general circulation in the county.  
20 No property shall be delivered to any claimant unless all interested persons have  
21 been given a reasonable opportunity to appear and to be heard;

22 (c) After a hearing, the judge shall order the property delivered to the  
23 person or persons entitled to possession, if any. The judge may direct that  
24 delivery of property required as evidence in a criminal proceeding shall be  
25 postponed until the need no longer exists;

26 (d) A law enforcement officer having custody of seized property may, at  
27 any time that seized property has ceased to be useful as evidence, request that  
28 the prosecuting attorney of the county in which property was seized file a motion  
29 with the court of such county for the disposition of the seized property. If the  
30 prosecuting attorney does not file such motion within sixty days of the request by  
31 the law enforcement officer having custody of the seized property, then such  
32 officer may request that the attorney general file a written motion with the

33 circuit court of the county or judicial district in which the seizure occurred. Upon  
34 filing of the motion, the court shall issue an order directing the disposition of the  
35 property. Such disposition may, if the property is not claimed within one year  
36 from the date of the seizure or if no one establishes a right to it, and the seized  
37 property has ceased to be useful as evidence, include a public sale of the  
38 property. Pursuant to a motion properly filed and granted under this section, the  
39 proceeds of any sale, less necessary expenses of preservation and sale, shall be  
40 paid into the county treasury for the use of the county. If the property is not  
41 salable, the judge may order its destruction. Notwithstanding any other provision  
42 of law, if no claim is filed within one year of the seizure and no motion pursuant  
43 to this section is filed within six months thereafter, and the seized property has  
44 ceased to be useful as evidence, the property shall be deemed abandoned,  
45 converted to cash and shall be turned over immediately to the treasurer pursuant  
46 to section 447.543;

47 (e) If the property is a living animal or is perishable, the judge may, at  
48 any time, order it sold at public sale. The proceeds shall be held in lieu of the  
49 property. A written description of the property sold shall be filed with the judge  
50 making the order of sale so that the claimant may identify the property. If the  
51 proceeds are not claimed within the time limited for the claim of the property, the  
52 proceeds shall be paid into the county treasury. If the property is not salable, the  
53 judge may order its destruction.

54 (2) Weapons, tools, devices, computers, computer equipment, computer  
55 software, computer hardware, cellular telephones, or other devices capable of  
56 accessing the internet, and substances other than motor vehicles, aircraft or  
57 watercraft, used by the owner or with the owner's consent as a means for  
58 committing felonies other than the offense of possessing burglary tools in  
59 violation of section 569.180, and property, the possession of which is an offense  
60 under the laws of this state or which has been used by the owner, or used with  
61 the owner's acquiescence or consent, as a raw material or as an instrument to  
62 manufacture, produce, or distribute, or be used as a means of storage of anything  
63 the possession of which is an offense under the laws of this state, or which any  
64 statute authorizes or directs to be seized, other than lawfully possessed weapons  
65 seized by an officer incident to an arrest, shall be forfeited to the state of  
66 Missouri.

67 2. The officer who has custody of the property shall inform the prosecuting  
68 attorney of the fact of seizure and of the nature of the property. The prosecuting

69 attorney shall thereupon file a written motion with the court with which the  
70 motion to suppress has been, or may be, filed praying for an order directing the  
71 forfeiture of the property. If the prosecuting attorney of a county in which  
72 property is seized fails to file a motion with the court for the disposition of the  
73 seized property within sixty days of the request by a law enforcement officer, the  
74 officer having custody of the seized property may request the attorney general to  
75 file a written motion with the circuit court of the county or judicial district in  
76 which the seizure occurred. Upon filing of the motion, the court shall issue an  
77 order directing the disposition of the property. The signed motion shall be  
78 returned to the requesting agency. A motion may also be filed by any person  
79 claiming the right to possession of the property praying that the court declare the  
80 property not subject to forfeiture and order it delivered to the moving party.

81         3. Upon the filing of a motion either by the prosecuting attorney or by a  
82 claimant, the judge shall order notice to be given to all persons interested in the  
83 property, including the person out of whose possession the property was seized  
84 and any lienors, of the time, place and nature of the hearing to be held on the  
85 motion. The notice shall be given in a manner reasonably calculated to reach the  
86 attention of all interested persons. Notice may be given to unknown persons and  
87 to persons of unknown address by publication in a newspaper of general  
88 circulation in the county. Every interested person shall be given a reasonable  
89 opportunity to appear and to be heard as to the nature of the person's claim to  
90 the property and upon the issue of whether or not it is subject to forfeiture.

91         4. If the evidence is clear and convincing that the property in issue is in  
92 fact of a kind subject to forfeiture under this subsection, the judge shall declare  
93 it forfeited and order its destruction or sale. The judge shall direct that the  
94 destruction or sale of property needed as evidence in a criminal proceeding shall  
95 be postponed until this need no longer exists.

96         5. If the forfeited property can be put to a lawful use, it may be ordered  
97 sold after any alterations which are necessary to adapt it to a lawful use have  
98 been made. In the case of computers, computer equipment, computer software,  
99 computer hardware, cellular telephones, or other devices capable of accessing the  
100 internet, or other devices used in the acquisition, possession, or distribution of  
101 child pornography or obscene material, the law enforcement agency in possession  
102 of such items may, upon court order, retain possession of such property and  
103 convert such property to the use of the law enforcement agency for use in criminal  
104 investigations. If there is a holder of a bona fide lien against property which has

105 been used as a means for committing an offense or which has been used as a raw  
106 material or as an instrument to manufacture or produce anything which is an  
107 offense to possess, who establishes that the use was without the lienholder's  
108 acquiescence or consent, the proceeds, less necessary expenses of preservation and  
109 sale, shall be paid to the lienholder to the amount of the lienholder's lien. The  
110 remaining amount shall be paid into the county treasury.

111           6. If the property is perishable the judge may order it sold at a public sale  
112 or destroyed, as may be appropriate, prior to a hearing. The proceeds of a sale,  
113 less necessary expenses of preservation and sale, shall be held in lieu of the  
114 property.

115           7. When a warrant has been issued to search for and seize allegedly  
116 obscene matter for forfeiture to the state, after an adversary hearing, the judge,  
117 upon return of the warrant with the matter seized, shall give notice of the fact to  
118 the prosecuting attorney of the county in which the matter was seized and the  
119 dealer, exhibitor or displayer and shall conduct further adversary proceedings to  
120 determine whether the matter is subject to forfeiture. If the evidence is clear and  
121 convincing that the matter is obscene as defined by law and it was being held or  
122 displayed for sale, exhibition, distribution or circulation to the public, the judge  
123 shall declare it to be obscene and forfeited to the state and order its destruction  
124 or other disposition; except that, no forfeiture shall be declared without the  
125 dealer, distributor or displayer being given a reasonable opportunity to appear  
126 in opposition and without the judge having thoroughly examined each item. If  
127 the material to be seized is the same as or another copy of matter that has  
128 already been determined to be obscene in a criminal proceeding against the  
129 dealer, exhibitor, displayer or such person's agent, the determination of obscenity  
130 in the criminal proceeding shall constitute clear and convincing evidence that the  
131 matter to be forfeited pursuant to this subsection is obscene. Except when the  
132 dealer, exhibitor or displayer consents to a longer period, or by such person's  
133 actions or pleadings willfully prevents the prompt resolution of the hearing,  
134 judgment shall be rendered within ten days of the return of the warrant. If the  
135 matter is not found to be obscene or is not found to have been held or displayed  
136 for sale, exhibition or distribution to the public, or a judgment is not entered  
137 within the time provided for, the matter shall be restored forthwith to the dealer,  
138 exhibitor or displayer.

139           8. If an appeal is taken by the dealer, exhibitor or displayer from an  
140 adverse judgment, the case should be assigned for hearing at the earliest

141 practicable date and expedited in every way. Destruction or disposition of a  
142 matter declared forfeited shall be postponed until the judgment has become final  
143 by exhaustion of appeal, or by expiration of the time for appeal, and until the  
144 matter is no longer needed as evidence in a criminal proceeding.

145         9. A determination of obscenity, pursuant to this subsection, shall not be  
146 admissible in any criminal proceeding against any person or corporation for sale  
147 or possession of obscene matter; except that dealer, distributor or displayer from  
148 which the obscene matter was seized for forfeiture to the state.

149         10. When allegedly obscene matter or pornographic material for minors  
150 has been seized under a search warrant issued pursuant to subsection 2 of section  
151 542.281 and the matter is no longer needed as evidence in a criminal proceeding  
152 the prosecuting attorney of the county in which the matter was seized may file  
153 a written motion with the circuit court of the county or judicial district in which  
154 the seizure occurred praying for an order directing the forfeiture of the  
155 matter. Upon filing of the motion, the court shall set a date for a  
156 hearing. Written notice of date, time, place and nature of the hearing shall be  
157 personally served upon the owner, dealer, exhibitor, displayer or such person's  
158 agent. Such notice shall be served no less than five days before the hearing.

159         11. If the evidence is clear and convincing that the matter is obscene as  
160 defined by law, and that the obscene material was being held or displayed for  
161 sale, exhibition, distribution or circulation to the public or that the matter is  
162 pornographic for minors and that the pornographic material was being held or  
163 displayed for sale, exhibition, distribution or circulation to minors, the judge shall  
164 declare it to be obscene or pornographic for minors and forfeited to the state and  
165 order its destruction or other disposition. A determination that the matter is  
166 obscene in a criminal proceeding as well as a determination that such obscene  
167 material was held or displayed for sale, exhibition, distribution or circulation to  
168 the public or a determination that the matter is pornographic for minors in a  
169 criminal proceeding as well as a determination that such pornographic material  
170 was held or displayed for sale, exhibition, distribution or circulation to minors  
171 shall be clear and convincing evidence that such material should be forfeited to  
172 the state; except that, no forfeiture shall be declared without the dealer,  
173 distributor or displayer being given a reasonable opportunity to appear in  
174 opposition and without a judge having thoroughly examined each item. A dealer,  
175 distributor or displayer shall have had reasonable opportunity to appear in  
176 opposition if the matter the prosecutor seeks to destroy is the same matter that

177 formed the basis of a criminal proceeding against the dealer, distributor or  
178 displayer where the dealer, distributor or displayer has been charged and found  
179 guilty of holding or displaying for sale, exhibiting, distributing or circulating  
180 obscene material to the public or pornographic material for minors to minors. If  
181 the matter is not found to be obscene, or if obscene material is not found to have  
182 been held or displayed for sale, exhibition, distribution or circulation to the  
183 public, or if the matter is not found to be pornographic for minors or if  
184 pornographic material is not found to have been held or displayed for sale,  
185 exhibition, distribution or circulation to minors, the matter shall be restored  
186 forthwith to the dealer, exhibitor or displayer.

187         12. If an appeal is taken by the dealer, exhibitor or displayer from an  
188 adverse judgment, the case shall be assigned for hearing at the earliest  
189 practicable date and expedited in every way. Destruction or disposition of matter  
190 declared forfeited shall be postponed until the judgment has become final by  
191 exhaustion of appeal, or by expiration of the time for appeal, and until the matter  
192 is no longer needed as evidence in a criminal proceeding.

193         13. A determination of obscenity shall not be admissible in any criminal  
194 proceeding against any person or corporation for sale or possession of obscene  
195 matter.

196         14. An appeal by any party shall be allowed from the judgment of the  
197 court as in other civil actions.

198         15. All other property still in the custody of an officer or of a court as the  
199 result of any seizure and which has not been forfeited pursuant to this section or  
200 any other provision of law after three years following the seizure and which has  
201 ceased to be useful as evidence shall be deemed abandoned, converted to cash and  
202 shall be turned over immediately to the treasurer pursuant to section 447.543.

203         [16. In fiscal year 2003, the commissioner of administration shall estimate  
204 the amount of any additional state revenue received pursuant to this section and  
205 section 447.532, shall transfer an equivalent amount of general revenue to the  
206 schools of the future fund created in section 163.005.]

EXPLANATION: The fees under subsection 2 terminated in 2000. In 2013,  
subsection 10 was added, but does not appear to reimpose the fees in subsection  
2.

643.079. 1. Any air contaminant source required to obtain a permit  
2 issued under sections 643.010 to 643.355 shall pay annually beginning April 1,  
3 1993, a fee as provided herein. For the first year the fee shall be twenty-five



4 dollars per ton of each regulated air contaminant emitted. Thereafter, the fee  
5 shall be set every three years by the commission by rule and shall be at least  
6 twenty-five dollars per ton of regulated air contaminant emitted but not more  
7 than forty dollars per ton of regulated air contaminant emitted in the previous  
8 calendar year. If necessary, the commission may make annual adjustments to the  
9 fee by rule. The fee shall be set at an amount consistent with the need to fund  
10 the reasonable cost of administering sections 643.010 to 643.355, taking into  
11 account other moneys received pursuant to sections 643.010 to 643.355. For the  
12 purpose of determining the amount of air contaminant emissions on which the  
13 fees authorized under this section are assessed, a facility shall be considered one  
14 source under the definition of subsection 2 of section 643.078, except that a  
15 facility with multiple operating permits shall pay the emission fees authorized  
16 under this section separately for air contaminants emitted under each individual  
17 permit.

18         2. [A source which produces charcoal from wood shall pay an annual  
19 emission fee under this subsection in lieu of the fee established in subsection 1  
20 of this section. The fee shall be based upon a maximum fee of twenty-five dollars  
21 per ton and applied upon each ton of regulated air contaminant emitted for the  
22 first four thousand tons of each contaminant emitted in the amount established  
23 by the commission pursuant to subsection 1 of this section, reduced according to  
24 the following schedule:

25             (1) For fees payable under this subsection in the years 1993 and 1994, the  
26 fee shall be reduced by one hundred percent;

27             (2) For fees payable under this subsection in the years 1995, 1996 and  
28 1997, the fee shall be reduced by eighty percent;

29             (3) For fees payable under this subsection in the years 1998, 1999 and  
30 2000, the fee shall be reduced by sixty percent.

31         3. The fees imposed in subsection 2 of this section shall not be imposed  
32 or collected after the year 2000 unless the general assembly reimposes the fee.

33         4.] Each air contaminant source with a permit issued under sections  
34 643.010 to 643.355 shall pay the fee for the first four thousand tons of each  
35 regulated air contaminant emitted each year but no air contaminant source shall  
36 pay fees on total emissions of regulated air contaminants in excess of twelve  
37 thousand tons in any calendar year. A permitted air contaminant source which  
38 emitted less than one ton of all regulated pollutants shall pay a fee equal to the  
39 amount per ton set by the commission. An air contaminant source which pays

40 emission fees to a holder of a certificate of authority issued pursuant to section  
41 643.140 may deduct such fees from any amount due under this section. The fees  
42 imposed in this section shall not be applied to carbon oxide emissions. The fees  
43 imposed in subsection 1 and this subsection shall not be applied to sulfur dioxide  
44 emissions from any Phase I affected unit subject to the requirements of Title IV,  
45 Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, et seq.,  
46 any sooner than January 1, 2000. The fees imposed on emissions from Phase I  
47 affected units shall be consistent with and shall not exceed the provisions of the  
48 federal Clean Air Act, as amended, and the regulations promulgated  
49 thereunder. Any such fee on emissions from any Phase I affected unit shall be  
50 reduced by the amount of the service fee paid by that Phase I affected unit  
51 pursuant to subsection 8 of this section in that year. Any fees that may be  
52 imposed on Phase I sources shall follow the procedures set forth in subsection 1  
53 and this subsection and shall not be applied retroactively.

54 [5.] **3.** Moneys collected under this section shall be transmitted to the  
55 director of revenue for deposit in appropriate subaccounts of the natural resources  
56 protection fund created in section 640.220. A subaccount shall be maintained for  
57 fees paid by air contaminant sources which are required to be permitted under  
58 Title V of the federal Clean Air Act, as amended, 42 U.S.C. Section 7661, et seq.,  
59 and used, upon appropriation, to fund activities by the department to implement  
60 the operating permits program authorized by Title V of the federal Clean Air Act,  
61 as amended. Another subaccount shall be maintained for fees paid by air  
62 contaminant sources which are not required to be permitted under Title V of the  
63 federal Clean Air Act as amended, and used, upon appropriation, to fund other  
64 air pollution control program activities. Another subaccount shall be maintained  
65 for service fees paid under subsection 8 of this section by Phase I affected units  
66 which are subject to the requirements of Title IV, Section 404, of the federal  
67 Clean Air Act Amendments of 1990, as amended, 42 U.S.C. 7651, and used, upon  
68 appropriation, to fund air pollution control program activities. The provisions of  
69 section 33.080 to the contrary notwithstanding, moneys in the fund shall not  
70 revert to general revenue at the end of each biennium. Interest earned by  
71 moneys in the subaccounts shall be retained in the subaccounts. The per-ton fees  
72 established under subsection 1 of this section may be adjusted annually,  
73 consistent with the need to fund the reasonable costs of the program, but shall  
74 not be less than twenty-five dollars per ton of regulated air contaminant nor more  
75 than forty dollars per ton of regulated air contaminant. The first adjustment

76 shall apply to moneys payable on April 1, 1994, and shall be based upon the  
77 general price level for the twelve-month period ending on August thirty-first of  
78 the previous calendar year.

79 [6.] 4. The department may initiate a civil action in circuit court against  
80 any air contaminant source which has not remitted the appropriate fees within  
81 thirty days. In any judgment against the source, the department shall be  
82 awarded interest at a rate determined pursuant to section 408.030 and reasonable  
83 attorney's fees. In any judgment against the department, the source shall be  
84 awarded reasonable attorney's fees.

85 [7.] 5. The department shall not suspend or revoke a permit for an air  
86 contaminant source solely because the source has not submitted the fees pursuant  
87 to this section.

88 [8. Any Phase I affected unit which is subject to the requirements of Title  
89 IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall  
90 pay annually beginning April 1, 1993, and terminating December 31, 1999, a  
91 service fee for the previous calendar year as provided herein. For the first year,  
92 the service fee shall be twenty-five thousand dollars for each Phase I affected  
93 generating unit to help fund the administration of sections 643.010 to  
94 643.355. Thereafter, the service fee shall be annually set by the commission by  
95 rule, following public hearing, based on an annual allocation prepared by the  
96 department showing the details of all costs and expenses upon which such fees  
97 are based consistent with the department's reasonable needs to administer and  
98 implement sections 643.010 to 643.355 and to fulfill its responsibilities with  
99 respect to Phase I affected units, but such service fee shall not exceed twenty-five  
100 thousand dollars per generating unit. Any such Phase I affected unit which is  
101 located on one or more contiguous tracts of land with any Phase II generating  
102 unit that pays fees under subsection 1 or subsection 2 of this section shall be  
103 exempt from paying service fees under this subsection. A "contiguous tract of  
104 land" shall be defined to mean adjacent land, excluding public roads, highways  
105 and railroads, which is under the control of or owned by the permit holder and  
106 operated as a single enterprise.

107 [9.] 6. The department of natural resources shall determine the fees due  
108 pursuant to this section by the state of Missouri and its departments, agencies  
109 and institutions, including two- and four-year institutions of higher  
110 education. The director of the department of natural resources shall forward the  
111 various totals due to the joint committee on capital improvements and the

112 directors of the individual departments, agencies and institutions. The  
113 departments, as part of the budget process, shall annually request by specific line  
114 item appropriation funds to pay said fees and capital funding for projects  
115 determined to significantly improve air quality. If the general assembly fails to  
116 appropriate funds for emissions fees as specifically requested, the departments,  
117 agencies and institutions shall pay said fees from other sources of revenue or  
118 funds available. The state of Missouri and its departments, agencies and  
119 institutions may receive assistance from the small business technical assistance  
120 program established pursuant to section 643.173.

121       [10.] 7. The director of the department of natural resources may conduct  
122 a comprehensive review of the fee structure set forth in this section. The  
123 comprehensive review shall include stakeholder meetings in order to solicit  
124 stakeholder input from each of the following groups: electric utilities, mineral  
125 and metallic mining and processing facilities, cement kiln representatives, and  
126 any other interested industrial or business entities or interested parties. Upon  
127 completion of the comprehensive review, the department shall submit proposed  
128 changes to the fee structure with stakeholder agreement to the air conservation  
129 commission. The commission shall, upon receiving the department's  
130 recommendations, review such recommendations at the forthcoming regular or  
131 special meeting. The commission shall review fee structure recommendations  
132 from the department. The commission shall not take a vote on the fee structure  
133 recommendations until the following regular or special meeting. If the  
134 commission approves, by vote of two-thirds majority or five of seven  
135 commissioners, the fee structure recommendations, the commission shall  
136 promulgate by regulation and publish the recommended fee structure no later  
137 than October first of the same year. The commission shall file the order of  
138 rulemaking for such rule with the joint committee on administrative rules  
139 pursuant to sections 536.021 and 536.024 no later than December first of the  
140 same year. If such rules are not disapproved by the general assembly in the  
141 manner set out below, they shall take effect on January first of the next  
142 odd-numbered year and the fee structure set out in this section shall expire upon  
143 the effective date of the commission-adopted fee structure. Any regulation  
144 promulgated under this subsection shall be deemed to be beyond the scope and  
145 authority provided in this subsection, or detrimental to permit applicants, if the  
146 general assembly, within the first sixty calendar days of the regular session  
147 immediately following the promulgation of such regulation, by concurrent

148 resolution, shall disapprove the fee structure contained in such regulation. If the  
149 general assembly so disapproves any regulation promulgated under this  
150 subsection, the air conservation commission shall continue to use the fee  
151 structure set forth in the most recent preceding regulation promulgated under  
152 this subsection. This subsection shall expire on August 28, 2023.

EXPLANATION: This section expired 08-28-11.

2 [8.305. 1. Any appliance purchased with state moneys or  
3 a portion of state moneys shall be an appliance that has earned the  
4 Energy Star under the Energy Star program co-sponsored by the  
5 United States Department of Energy and the United States  
6 Environmental Protection Agency. For purposes of this section, the  
7 term appliance shall have the same meaning as in section 144.526.

8 2. The commissioner of the office of administration may  
9 exempt any appliance from the requirements of subsection 1 of this  
10 section when the cost of compliance is expected to exceed the  
11 projected energy cost savings gained.

12 3. The provisions of this section shall expire on August 28,  
2011.]

EXPLANATION: The report required under this section was due for submission  
by 12-31-09 (report submitted by the deadline).

2 [21.485. During the legislative interim between the first  
3 regular session of the ninety-fifth general assembly through  
4 December 31, 2009, the joint committee on education shall study  
5 the issue of governance in urban school districts containing most  
6 or all of a home rule city with more than four hundred thousand  
7 inhabitants and located in more than one county. In studying this  
8 issue, the joint committee may solicit input and information  
9 necessary to fulfill its obligation, including but not limited to  
10 soliciting input and information from any state department, state  
11 agency, school district, political subdivision of the state, teachers,  
12 administrators, school board members, all interested parties  
13 concerned about governance within the school districts identified  
14 in this section, and the general public. The joint committee shall  
15 prepare a final report, together with its recommendations for any  
16 legislative action deemed necessary for submission to the general  
assembly by December 31, 2009.]

EXPLANATION: This section expired 12-31-11.

2 [21.800. 1. There is established a joint committee of the  
3 general assembly to be known as the "Joint Committee on  
4 Terrorism, Bioterrorism, and Homeland Security" to be composed  
5 of seven members of the senate and seven members of the house of  
6 representatives. The senate members of the joint committee shall  
7 be appointed by the president pro tem and minority floor leader of  
8 the senate and the house members shall be appointed by the  
9 speaker and minority floor leader of the house of  
10 representatives. The appointment of each member shall continue  
11 during the member's term of office as a member of the general  
12 assembly or until a successor has been appointed to fill the  
13 member's place when his or her term of office as a member of the  
14 general assembly has expired. No party shall be represented by  
15 more than four members from the house of representatives nor  
16 more than four members from the senate.

17 A majority of the committee shall constitute a quorum, but the  
18 concurrence of a majority of the members shall be required for the  
19 determination of any matter within the committee's duties.

20 2. The joint committee shall:

21 (1) Make a continuing study and analysis of all state  
22 government terrorism, bioterrorism, and homeland security efforts,  
23 including the feasibility of compiling information relevant to  
24 immigration enforcement issues;

25 (2) Devise a standard reporting system to obtain data on  
26 each state government agency that will provide information on each  
27 agency's terrorism and bioterrorism preparedness, and homeland  
28 security status at least biennially;

29 (3) Determine from its study and analysis the need for  
30 changes in statutory law; and

31 (4) Make any other recommendation to the general  
32 assembly necessary to provide adequate terrorism and bioterrorism  
33 protections, and homeland security to the citizens of the state of  
34 Missouri.

35 3. The joint committee shall meet within thirty days after  
its creation and organize by selecting a chairperson and a vice

36 chairperson, one of whom shall be a member of the senate and the  
37 other a member of the house of representatives. The chairperson  
38 shall alternate between members of the house and senate every two  
39 years after the committee's organization.

40 4. The committee shall meet at least quarterly. The  
41 committee may meet at locations other than Jefferson City when  
42 the committee deems it necessary.

43 5. The committee shall be staffed by legislative personnel  
44 as is deemed necessary to assist the committee in the performance  
45 of its duties.

46 6. The members of the committee shall serve without  
47 compensation but shall be entitled to reimbursement for actual and  
48 necessary expenses incurred in the performance of their official  
49 duties.

50 7. It shall be the duty of the committee to compile a full  
51 report of its activities for submission to the general assembly. The  
52 report shall be submitted not later than the fifteenth of January of  
53 each year in which the general assembly convenes in regular  
54 session and shall include any recommendations which the  
55 committee may have for legislative action as well as any  
56 recommendations for administrative or procedural changes in the  
57 internal management or organization of state or local government  
58 agencies and departments. Copies of the report containing such  
59 recommendations shall be sent to the appropriate directors of state  
60 or local government agencies or departments included in the report.

61 8. The provisions of this section shall expire on December  
62 31, 2011.]

EXPLANATION: This section expired on 01-01-13 (a report was due by 12-31-12  
under subsection 4; report was submitted).

2 [21.801. 1. There is hereby established a joint committee  
3 of the general assembly, which shall be known as the "Joint  
4 Committee on Urban Agriculture".

5 2. The joint committee shall be composed of ten  
6 members. Five members shall be from the senate, with three  
7 members appointed by the president pro tem of the senate and two  
members appointed by the minority leader of the senate. Five

8 members shall be from the house of representatives, with three  
9 members appointed by the speaker of the house of representatives  
10 and two members appointed by the minority leader of the house of  
11 representatives. All members of the Missouri general assembly not  
12 appointed in this subsection may be nonvoting, ex officio members  
13 of the joint committee. A majority of the appointed members of the  
14 joint committee shall constitute a quorum.

15 3. The joint committee shall meet within thirty days after  
16 it becomes effective and organize by selecting a chairperson and a  
17 vice chairperson, one of whom shall be a member of the senate and  
18 the other a member of the house of representatives. The joint  
19 committee may meet at locations other than Jefferson City when  
20 the committee deems it necessary.

21 4. The committee shall prepare a final report together with  
22 its recommendations for any legislative action deemed necessary  
23 for submission to the speaker of the house of representatives,  
24 president pro tem of the senate, and the governor by December 31,  
25 2012. The report shall study and make recommendations  
26 regarding the impact of urban farm cooperatives, vertical farming,  
27 and sustainable living communities in this state and shall examine  
28 the following:

29 (1) Trends in urban farming, including vertical farming,  
30 urban farm cooperatives, and sustainable living communities;

31 (2) Existing services, resources, and capacity for such urban  
32 farming;

33 (3) The impact on communities and populations affected;  
34 and

35 (4) Any needed state legislation, policies, or regulations.

36 5. The committee shall hold a minimum of one meeting at  
37 three urban regions in the state of Missouri to seek public  
38 input. The committee may hold such hearings, sit and act at such  
39 times and places, take such testimony, and receive such evidence  
40 as the committee considers advisable to carry out the provisions of  
41 this section.

42 6. The joint committee may solicit input and information  
43 necessary to fulfill its obligations from the general public, any state



44 department, state agency, political subdivision of this state, or  
45 anyone else it deems advisable.

46 7. (1) The joint committee shall establish a subcommittee  
47 to be known as the "Urban Farming Advisory Subcommittee" to  
48 study, analyze, and provide background information,  
49 recommendations, and findings in preparation of each of the public  
50 hearings called by the joint committee. The subcommittee may also  
51 review draft recommendations of the joint committee, if  
52 requested. The subcommittee will meet as often as necessary to  
53 fulfill the requirements and time frames set by the joint committee.

54 (2) The subcommittee shall consist of twelve members, as  
55 follows:

56 (a) Four members shall include the directors of the  
57 following departments, or their designees:

58 a. Agriculture, who shall serve as chair of the  
59 subcommittee;

60 b. Economic development;

61 c. Health and senior services; and

62 d. Natural resources; and

63 (b) The chair shall select eight additional members, subject  
64 to approval by a majority of the joint committee, who shall have  
65 experience in or represent organizations associated with at least  
66 one of the following areas:

67 a. Sustainable energy;

68 b. Farm policy;

69 c. Urban botanical gardening;

70 d. Sustainable agriculture;

71 e. Urban farming or community gardening;

72 f. Vertical farming;

73 g. Agriculture policy or advocacy; and

74 h. Urban development.

75 8. Members of the committee and subcommittee shall serve  
76 without compensation but may be reimbursed for necessary  
77 expenses pertaining to the duties of the committee.

78 9. The staffs of senate research, the joint committee on  
79 legislative research, and house research may provide such legal,

80 research, clerical, technical, and bill drafting services as the joint  
81 committee may require in the performance of its duties.

82 10. Any actual and necessary expenses of the joint  
83 committee, its members, and any staff assigned to the joint  
84 committee incurred by the joint committee shall be paid by the  
85 joint contingent fund.

86 11. The provisions of this section shall expire on January  
87 1, 2013.]

EXPLANATION: The commission authorized under this section dissolved on 12-  
31-09 (report submitted by the deadline)

[21.830. 1. There is hereby established a joint committee  
2 of the general assembly, which shall be known as the "Joint  
3 Committee on Missouri's Energy Future", which shall be composed  
4 of five members of the senate, with no more than three members of  
5 one party, and five members of the house of representatives, with  
6 no more than three members of one party. The senate members of  
7 the committee shall be appointed by the president pro tem of the  
8 senate and the house members by the speaker of the house of  
9 representatives. The committee shall select either a chairperson  
10 or co-chairpersons, one of whom shall be a member of the senate  
11 and one a member of the house of representatives. A majority of  
12 the members shall constitute a quorum. Meetings of the committee  
13 may be called at such time and place as the chairperson or  
14 chairpersons designate.

15 2. The committee shall examine Missouri's present and  
16 future energy needs to determine the best strategy to ensure a  
17 plentiful, affordable and clean supply of electricity that will meet  
18 the needs of the people and businesses of Missouri for the next  
19 twenty-five years and ensure that Missourians continue to benefit  
20 from low rates for residential, commercial, and industrial energy  
21 consumers.

22 3. The joint committee may hold hearings as it deems  
23 advisable and may obtain any input or information necessary to  
24 fulfill its obligations. The committee may make reasonable  
25 requests for staff assistance from the research and appropriations  
26 staffs of the house and senate and the committee on legislative

27 research, as well as the department of economic development,  
28 department of natural resources, and the public service  
29 commission.

30 4. The joint committee shall prepare a final report, together  
31 with its recommendations for any legislative action deemed  
32 necessary, for submission to the general assembly by December 31,  
33 2009, at which time the joint committee shall be dissolved.

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

EXPLANATION: This section expired on 01-01-11. (report due by 12-31-10; no report was submitted, the committee never met).

[21.910. 1. There is hereby created the "Joint Committee  
2 on the Reduction and Reorganization of Programs within State  
3 Government". The committee shall be composed of thirteen  
4 members as follows:

5 (1) Three majority party members and two minority party  
6 members of the senate, to be appointed by the president pro tem of  
7 the senate;

8 (2) Three majority party members and two minority party  
9 members of the house of representatives, to be appointed by the  
10 speaker of the house of representatives;

11 (3) The commissioner of the office of administration, or his  
12 or her designee;

13 (4) A representative of the governor's office; and

14 (5) A supreme court judge, or his or her designee, as  
15 selected by the Missouri supreme court.

16 2. The committee shall study programs within every  
17 department that should be eliminated, reduced, or combined with  
18 another program or programs. As used in this section, the term  
19 "program" shall have the same meaning as in section 23.253.

20 3. In order to assist the committee with its responsibilities  
21 under this section, each department shall comply with any request  
22 for information made by the committee with regard to any  
23 programs administered by such department.

24 4. The members of the committee shall elect a chairperson

25 and vice chairperson.

26 5. The committee shall submit a report to the general  
27 assembly by December 31, 2010, and such report shall contain any  
28 recommendations of the committee for eliminating, reducing, or  
29 combining any program with another program or programs in the  
30 same or a different department.

31 6. The provisions of this section shall expire on January 1,  
32 2011.]

EXPLANATION: This section expired 08-28-10.

2 [82.291. 1. For purposes of this section, "derelict vehicle"  
3 means any motor vehicle or trailer that was originally designed or  
4 manufactured to transport persons or property on a public  
5 highway, road, or street and that is junked, scrapped, dismantled,  
6 disassembled, or in a condition otherwise harmful to the public  
7 health, welfare, peace, and safety.

8 2. The owner of any property located in any home rule city  
9 with more than twenty-six thousand two hundred but less than  
10 twenty-six thousand three hundred inhabitants, except any  
11 property subclassed as agricultural and horticultural property  
12 pursuant to Section 4(b), Article X, of the Constitution of Missouri  
13 or any property containing any licensed vehicle service or repair  
14 facility, who permits derelict vehicles or substantial parts of  
15 derelict vehicles to remain on the property other than inside a fully  
16 enclosed permanent structure designed and constructed for vehicle  
17 storage shall be liable for the removal of the vehicles or the parts  
18 if they are declared to be a public nuisance.

19 3. To declare derelict vehicles or parts of derelict vehicles  
20 to be a public nuisance, the governing body of the city shall give a  
21 hearing upon ten days' notice, either personally or by United States  
22 mail to the owner or agent, or by posting a notice of the hearing on  
23 the property. At the hearing, the governing body may declare the  
24 vehicles or the parts to be public nuisances, and may order the  
25 nuisance to be removed within five business days. If the nuisance  
26 is not removed within the five days, the governing body or the  
27 designated city official shall have the nuisance removed and shall  
certify the costs of the removal to the city clerk or the equivalent

28 official, who shall cause a special tax bill for the removal to be  
29 prepared against the property and collected by the collector with  
30 other taxes assessed on the property, and to be assessed any  
31 interest and penalties for delinquency as other delinquent tax bills  
32 are assessed as permitted by law.

33 4. The provisions of this section shall terminate on August  
34 28, 2010.]

EXPLANATION: The fund in this section applies to the pilot program in Section 160.932 which expired in 2011.

2 [160.932. 1. Subject to appropriations, the department of  
3 elementary and secondary education shall implement a pilot  
4 program allowing the regional interagency coordinating council of  
5 the greater St. Louis system point of entry to hire a part-time  
6 child-find coordinator to conduct the child-find requirements under  
7 subsection 3 of section 160.910 for the region. The part-time  
8 child-find coordinator shall be hired, selected, and employed by the  
9 regional interagency coordinating council of the greater St. Louis  
10 system point of entry by July 1, 2008.

11 2. By September 1, 2010, the greater St. Louis system point  
12 of entry shall conduct a study on the effect of hiring the child-find  
13 coordinator under this section. The study shall be submitted to the  
14 department, the state interagency coordinating council and the  
15 general assembly.

16 3. The provisions of this section shall expire on September  
1, 2011.]

EXPLANATION: This section sunset 06-30-12.

2 [167.194. 1. Beginning July 1, 2008, every child enrolling  
3 in kindergarten or first grade in a public elementary school in this  
4 state shall receive one comprehensive vision examination  
5 performed by a state licensed optometrist or physician. Evidence  
6 of the examination shall be submitted to the school no later than  
7 January first of the first year in which the student is enrolled at  
8 the school, provided that the evidence submitted in no way violates  
9 any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health  
10 Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the

11 department of health and senior services, shall promulgate rules  
12 establishing the criteria for meeting the requirements of subsection  
13 1 of this section, which may include, but are not limited to, forms  
14 or other proof of such examination, or other rules as are necessary  
15 for the enforcement of this section. The form or other proof of such  
16 examination shall include but not be limited to identifying the  
17 result of the examinations performed under subsection 4 of this  
18 section, the cost for the examination, the examiner's qualifications,  
19 and method of payment through either:

- 20 (1) Insurance;
- 21 (2) The state Medicaid program;
- 22 (3) Complimentary; or
- 23 (4) Other form of payment.

24 3. The department of elementary and secondary education,  
25 in conjunction with the department of health and senior services,  
26 shall compile and maintain a list of sources to which children who  
27 may need vision examinations or children who have been found to  
28 need further examination or vision correction may be referred for  
29 treatment on a free or reduced-cost basis. The sources may include  
30 individuals, and federal, state, local government, and private  
31 programs. The department of elementary and secondary education  
32 shall ensure that the superintendent of schools, the principal of  
33 each elementary school, the school nurse or other person  
34 responsible for school health services, and the parent organization  
35 for each district elementary school receives an updated copy of the  
36 list each year prior to school opening. Professional and service  
37 organizations concerned with vision health may assist in gathering  
38 and disseminating the information, at the direction of the  
39 department of elementary and secondary education.

40 4. For purposes of this section, the following comprehensive  
41 vision examinations shall include but not be limited to:

- 42 (1) Complete case history;
- 43 (2) Visual acuity at distance (aided and unaided);
- 44 (3) External examination and internal examination  
45 (ophthalmoscopic examination);
- 46 (4) Subjective refraction to best visual acuity.

47           5. Findings from the evidence of examination shall be  
48 provided to the department of health and senior services and kept  
49 by the optometrist or physician for a period of seven years.

50           6. In the event that a parent or legal guardian of a child  
51 subject to this section shall submit to the appropriate school  
52 administrator a written request that the child be excused from  
53 taking a vision examination as provided in this section, that child  
54 shall be so excused.

55           7. Pursuant to section 23.253 of the Missouri sunset act:

56           (1) The provisions of the new program authorized under  
57 this section shall automatically sunset on June 30, 2012, unless  
58 reauthorized by an act of the general assembly; and

59           (2) If such program is reauthorized, the program authorized  
60 under this section shall automatically sunset eight years after the  
61 effective date of the reauthorization of this section; and

62           (3) This section shall terminate on September first of the  
63 calendar year immediately following the calendar year in which the  
64 program authorized under this section is sunset.]

EXPLANATION: This section expired 08-28-12.

          [168.083. 1. Any qualified applicant may be granted a  
2 temporary administrator certificate upon joint application with a  
3 Missouri public school district or accredited nonpublic school which  
4 establishes a mentoring program pursuant to subsection 2 of this  
5 section. The temporary administrator certificate is limited to the  
6 employing Missouri public school district or accredited nonpublic  
7 school. An applicant for a temporary administrator certificate may  
8 apply for only one area of certification at a time.

9           2. The employing Missouri public school district or  
10 accredited nonpublic school shall develop a mentoring program to  
11 provide adequate support to the holder of the temporary  
12 administrator certificate to ensure proper transition into the  
13 administrative environment.

14           3. The temporary administrator certificate of license to  
15 teach is valid for up to one school year. It may be renewed  
16 annually for up to four subsequent years by joint application from  
17 the certificate holder and employing Missouri public school district

18 or accredited nonpublic school upon demonstration that the  
19 applicant is making continuous, measurable progress toward  
20 obtaining a full administrator certificate of license to teach. The  
21 state board of education shall establish specific standards as to  
22 what constitutes making measurable progress toward obtaining a  
23 full administrator certificate; provided that a full administrator  
24 certificate at that grade level shall be required after the fifth year  
25 of a temporary administrator certificate in order to retain  
26 administrator certification.

27 4. Applications for a Missouri temporary administrator  
28 certificate shall be submitted on forms provided and approved by  
29 the state board of education.

30 5. The state board of education shall promulgate rules and  
31 regulations for the issuance and renewal of temporary  
32 administrator certificates. No rule or portion of a rule promulgated  
33 pursuant to the authority of this section shall become effective  
34 unless it has been promulgated pursuant to chapter 536.

35 6. As used in this section, the term "qualified applicant"  
36 shall mean a person who:

37 (1) Holds a valid certificate of license to teach in Missouri;

38 (2) Has a master's degree or is currently enrolled in a  
39 master's degree program; and

40 (3) Has at least five years of teaching experience in a public  
41 school, in an accredited nonpublic school, or in a combination of  
42 such schools at the grade level for which the temporary  
43 administrator certificate is sought.

44 7. The provisions of this section shall expire August 28,  
45 2012.]

EXPLANATION: This section expired 11-01-12 (report due by 11-15-10 under  
subsection 6; report submitted on November 18, 2010).

[191.115. 1. There is hereby established in the department  
2 of health and senior services an "Alzheimer's State Plan Task  
3 Force". The task force shall consist of nineteen members, as  
4 follows:

5 (1) The lieutenant governor or his or her designee, who  
6 shall serve as chair of the task force;



- 7 (2) The directors of the departments of health and senior  
8 services, social services, and mental health or their designees;
- 9 (3) One member of the house of representatives appointed  
10 by the speaker of the house;
- 11 (4) One member of the senate appointed by the president  
12 pro tem of the senate;
- 13 (5) One member who has early-stage Alzheimer's or a  
14 related dementia;
- 15 (6) One member who is a family caregiver of a person with  
16 Alzheimer's or a related dementia;
- 17 (7) One member who is a licensed physician with experience  
18 in the diagnosis, treatment, and research of Alzheimer's disease;
- 19 (8) One member from the office of the state ombudsman for  
20 long-term care facility residents;
- 21 (9) One member representing the home care profession;
- 22 (10) One member representing residential long-term care;
- 23 (11) One member representing the adult day services  
24 profession;
- 25 (12) One member representing the insurance profession;
- 26 (13) One member representing the area agencies on aging;
- 27 (14) One member with expertise in minority health;
- 28 (15) One member who is a licensed elder law attorney;
- 29 (16) Two members from the leading voluntary health  
30 organization in Alzheimer's care, support, and research.
- 31 2. The members of the task force, other than the lieutenant  
32 governor, members from the general assembly, and department  
33 directors, shall be appointed by the governor with the advice and  
34 consent of the senate. Members shall serve on the task force  
35 without compensation.
- 36 3. The task force shall:
- 37 (1) Assess the current and future impact of Alzheimer's  
38 disease and related dementia on residents of the state of Missouri;
- 39 (2) Examine the existing services and resources addressing  
40 the needs of persons with dementia, their families, and caregivers;  
41 and
- 42 (3) Develop recommendations to respond to the escalating

43 public health situation regarding Alzheimer's.

44 4. The task force shall include an examination of the  
45 following in its assessment and recommendations required to be  
46 completed under subsection 3 of this section:

47 (1) Trends in state Alzheimer's and related dementia  
48 populations and their needs, including but not limited to the state's  
49 role in long-term care, family caregiver support, and assistance to  
50 persons with early-stage Alzheimer's, early onset of Alzheimer's,  
51 and individuals with Alzheimer's disease as a result of Down's  
52 Syndrome;

53 (2) Existing services, resources, and capacity, including but  
54 not limited to:

55 (a) Type, cost, and availability of services for persons with  
56 dementia, including home- and community-based resources, respite  
57 care to assist families, residential long-term care options, and  
58 adequacy and appropriateness of geriatric-psychiatric units for  
59 persons with behavior disorders associated with Alzheimer's and  
60 related dementia;

61 (b) Dementia-specific training requirements for individuals  
62 employed to provide care for persons with dementia;

63 (c) Quality care measure for services delivered across the  
64 continuum of care;

65 (d) Capacity of public safety and law enforcement to  
66 respond to persons with Alzheimer's and related dementia;

67 (e) State support for Alzheimer's research through  
68 institutes of higher learning in Missouri;

69 (3) Needed state policies or responses, including but not  
70 limited to directions for the provision of clear and coordinated  
71 services and supports to persons and families living with  
72 Alzheimer's and related dementias and strategies to address any  
73 identified gaps in services.

74 5. The task force shall hold a minimum of one meeting at  
75 four diverse geographic regions in the state of Missouri during the  
76 calendar year to seek public input.

77 6. The task force shall submit a report of its findings and  
78 date-specific recommendations to the general assembly and the

79 governor in the form of a state Alzheimer's plan no later than  
80 November 15, 2010, as part of Alzheimer's disease awareness  
81 month.

82 7. The task force shall continue to meet at the request of  
83 the chair and at a minimum of one time annually for the purpose  
84 of evaluating the implementation and impact of the task force  
85 recommendations and provide annual supplemental reports on the  
86 findings to the governor and the general assembly.

87 8. The provisions of this section shall expire on November  
88 1, 2012.]

EXPLANATION: The feasibility report required under this section was due 12-31-11 (report issued December 2012).

[192.105. The department of health and senior services  
2 shall examine the feasibility of implementing a real-time water  
3 quality testing system for measuring the bacterial water quality at  
4 state-owned public beaches and shall issue a report of its findings  
5 to the general assembly by December 31, 2011.]

EXPLANATION: This section expired 12-31-11.

[197.291. 1. There is hereby established a "Technical  
2 Advisory Committee on the Quality of Patient Care and Nursing  
3 Practices" within the department of health and senior  
4 services. The committee shall be comprised of nine members  
5 appointed by the director of the department of health and senior  
6 services, one of whom shall be a representative of the department  
7 of health and senior services and one of whom shall be a  
8 representative of the general public. In addition, the director shall  
9 appoint three members representing licensed registered nurses  
10 from a list of recommended appointees provided by the Missouri  
11 Nurses Association, one member representing licensed practical  
12 nurses from a list of recommended appointees provided by the  
13 Missouri Licensed Practical Nurses Association, two members from  
14 a list of recommended appointees provided by the Missouri  
15 Hospital Association, and one member representing licensed  
16 physicians from a list of recommended appointees provided by the  
17 Missouri State Medical Association.

18 2. The committee shall work with hospitals, nurses,

19 physicians, state agencies, community groups and academic  
20 researchers to develop specific recommendations related to staffing,  
21 improving the quality of patient care, and insuring the safe and  
22 appropriate employment of licensed nurses within hospitals and  
23 ambulatory surgical centers. The committee shall develop  
24 recommendations and submit an annual report based on such  
25 recommendations to the governor, chairpersons of standing health  
26 and appropriations committees of the general assembly and the  
27 department of health and senior services no later than December  
28 thirty-first of each year.

29 3. The department of health and senior services shall  
30 provide such support as the committee members require to aid it  
31 in the performance of its duties.

32 4. Committee members shall not be compensated for their  
33 services but shall be reimbursed for their actual and necessary  
34 expenses incurred in the performance of their duties.

35 5. The provisions of this section shall expire on December  
36 31, 2011.]

EXPLANATION: This section expired 08-31-12 (report due 08-31-12 under  
subsection 5; no report submitted by deadline).

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

3 (1) "Locally grown agricultural products", food or fiber  
4 produced or processed by a small agribusiness or small farm;

5 (2) "Small agribusiness", an independent agribusiness  
6 located in Missouri with gross annual sales of less than five million  
7 dollars;

8 (3) "Small farm", an independent family-owned farm in  
9 Missouri with at least one family member working in the  
10 day-to-day operation of the farm.

11 2. There is hereby created an advisory board, which shall  
12 be known as the "Farm-to-Table Advisory Board". The board shall  
13 be made up of at least one representative from the following  
14 agencies: the University of Missouri extension service, the  
15 department of agriculture, the department of elementary and  
16 secondary education, the department of economic development, the

17 department of corrections, and the office of administration. In  
18 addition, the director of the department of agriculture shall appoint  
19 one person actively engaged in the practice of small  
20 agribusiness. The representative for the department of agriculture  
21 shall serve as the chairperson for the board and shall coordinate  
22 the board meetings. The board shall hold at least two meetings,  
23 but may hold more as it deems necessary to fulfill its requirements  
24 under this section. Staff of the department of agriculture may  
25 provide administrative assistance to the board if such assistance is  
26 required.

27 3. The mission of the board is to provide recommendations  
28 for strategies that:

29 (1) Allow schools and state institutions to more easily  
30 incorporate locally grown agricultural products into their cafeteria  
31 offerings, salad bars, and vending machines; and

32 (2) Increase public awareness of local agricultural practices  
33 and the role that local agriculture plays in sustaining healthy  
34 communities and supporting healthy lifestyles.

35 4. In fulfilling its mission under this section, the board  
36 shall:

37 (1) Investigate the status and availability of local, state,  
38 federal, and any other public or private resources that may be used  
39 to:

40 (a) Link schools and state institutions with local and  
41 regional farms for the purchase of locally grown agricultural  
42 products;

43 (b) Increase market opportunities for locally grown  
44 agricultural products;

45 (c) Assist schools and other entities with education  
46 campaigns that teach children and the general public about the  
47 concepts of food production and consumption; the interrelationships  
48 between nutrition, food choices, obesity, and health; and the value  
49 of having an accessible supply of locally grown food;

50 (2) Identify any type of barrier, which may include legal,  
51 logistical, technical, social, or financial, that prevents or hinders:

52 (a) Schools and state institutions from purchasing more

53 locally grown agricultural products;

54 (b) The expansion of market opportunities for locally grown  
55 agricultural products;

56 (c) Schools and other entities from engaging in education  
57 campaigns to teach people about the concepts of food production  
58 and consumption; the interrelationships between nutrition, food  
59 choices, obesity, and health; and the value of having an accessible  
60 supply of locally grown food; and

61 (3) Develop recommendations for:

62 (a) The maximization of existing public and private  
63 resources to accomplish the objectives in subsection 3 of this  
64 section;

65 (b) The development of new or expanded resources deemed  
66 necessary to accomplish the objectives in subsection 3 of this  
67 section, which may include resources such as training programs,  
68 grant programs, or database development; and

69 (c) The elimination of barriers that hinder the objectives in  
70 subsection 3 of this section, which may include changes to school  
71 or state institution procurement policies or procedures.

72 5. The board shall prepare a report containing its findings  
73 and recommendations and shall deliver such report to the governor,  
74 the general assembly, and to the director of each agency  
75 represented on the board by no later than August 31, 2012.

76 6. In conducting its work, the board may hold public  
77 meetings at which it may invite testimony from experts or it may  
78 solicit information from any party it deems may have information  
79 relevant to its duties under this section.

80 7. This section shall expire on August 31, 2012.]

EXPLANATION: This section only applies to calendar years 2009, 2010, and  
2011.

2 [288.131. 1. For calendar years 2009, 2010, and 2011, each  
3 employer that is liable for contributions under this chapter, except  
4 employers with a contribution rate equal to zero, shall pay an  
5 annual unemployment automation surcharge in an amount equal  
6 to five one-hundredths of one percent of such employer's total  
taxable wages for the twelve-month period ending the preceding

7 June thirtieth. However, the division may reduce the foregoing  
8 percentage to ensure that the total amount of surcharge due from  
9 all employers under this subsection shall not exceed thirteen  
10 million dollars annually. Each employer liable to pay such  
11 surcharge shall be notified of the amount due under this subsection  
12 by March thirty-first of each year and such amount shall be  
13 considered delinquent thirty days thereafter. Delinquent  
14 unemployment automation surcharge amounts may be collected in  
15 the manner provided under sections 288.160 and 288.170. All  
16 moneys collected under this subsection shall be deposited in the  
17 unemployment automation fund established in section 288.132.

18 2. For calendar years 2009, 2010, and 2011, the otherwise  
19 applicable unemployment contribution rate of each employer liable  
20 for contributions under this chapter shall be reduced by five  
21 one-hundredths of one percent, except such contribution rate shall  
22 not be less than zero.]

EXPLANATION: This section expired 08-28-11.

2 [311.489. 1. After obtaining the approvals as described in  
3 this section, a permit for the sale of intoxicating liquor as defined  
4 in section 311.020, and nonintoxicating beer as defined in section  
5 312.010, for consumption on premises where sold, and to conduct  
6 specified festival events, shall be issued by the division of alcohol  
7 and tobacco control to any festival district, located in a community  
8 improvement district in any home rule city with more than four  
9 hundred thousand inhabitants and located in more than one  
10 county, that includes three or more businesses that are licensed  
11 bars, nightclubs, restaurants, or other entertainment venues and  
12 a common area that is closed to vehicle traffic, provided that the  
13 permit is held by a promotional association. A "promotional  
14 association" is defined as an entity formed by property owners who  
15 own or operate fifty percent or more of the square feet of bars,  
16 nightclubs, restaurants, and other entertainment venues located  
17 within the proposed festival district.

18 2. The promotional association shall obtain a permit from  
19 the division if the promotional association submits a plan to the  
governing body of the city and such a plan receives approval from

20 the city governing body. The plan submitted shall include the legal  
21 description of the district and the common area within which such  
22 festivals shall be held, the name and address and responsible  
23 person for each business participating in the promotional  
24 association, the specific calendar of events for the district which  
25 shall not exceed twenty-four such events annually and shall include  
26 the dates and times of any such events, a description of the  
27 proposed festival activities, including any proposed public street  
28 closures if applicable, proof of adequate insurance, and a detailed  
29 description of security for any proposed festivals which shall be  
30 provided at the sole expense of the promotional association. Such  
31 detailed description of security shall be approved by the city police  
32 department and the city department of liquor control prior to the  
33 plan being approved by the city. Each event on the calendar shall  
34 not exceed forty-eight hours in length. No more than two events  
35 shall be held in any calendar month. Such permit shall cost three  
36 hundred dollars per year.

37 3. Prior to approving the plan, the city shall notify all  
38 property owners in the proposed district and within five hundred  
39 feet of such district's boundaries. The city shall hold a public  
40 hearing at least thirty days after providing such notice to obtain  
41 public views and comments on the issue. The city shall not  
42 approve any plan unless the promotional association has obtained  
43 written approval from at least fifty percent of the property owners  
44 within the district and within one hundred eighty-five feet of its  
45 borders. If the written approvals required under this section are  
46 obtained and the city approves the plan, the promotional  
47 association may conduct the events described in the plan and may  
48 sell liquor for consumption within the district common areas. Such  
49 liquor sales may only occur between 9:00 a.m. and 1:00 a.m. In  
50 addition, for no more than ten twenty-four hour periods in a year,  
51 such promotional association may permit customers to leave an  
52 establishment within the district after purchasing an alcoholic  
53 beverage and consume the beverage in the district common areas  
54 or another licensed establishment within the district. All  
55 containers allowed to be removed from an establishment shall be



56 marked with the name or logo of the establishment where it was  
57 purchased. No person shall be allowed to take any alcoholic  
58 beverage outside the boundaries of the festival district.

59 4. If participating in a promotional association event, every  
60 bar, nightclub, restaurant, promotional association, or other  
61 entertainment venue that serves alcoholic beverages within the  
62 festival district shall use disposable paper, plastic, or foam cups or  
63 other light-weight containers for all alcoholic beverages that the  
64 bar, nightclub, restaurant, promotional association, or other  
65 entertainment venue sells within the festival district boundaries  
66 for consumption in the district common area.

67 5. Minors shall not be allowed to enter the festival district  
68 during a festival event that serves liquor.

69 6. The holder of the permit is solely responsible for any  
70 alcohol violations occurring within the common areas. For any  
71 violation of this chapter or of any rule or regulation of the  
72 supervisor of alcohol and tobacco control, the promotional  
73 association may be assessed a civil fine of not more than five  
74 thousand dollars. If a promotional association is found to be  
75 responsible for such violations at three separate events, then such  
76 promotional association shall not seek approval for subsequent  
77 plans without the prior written consent of the supervisor of alcohol  
78 and tobacco control. The promotional association's then-current  
79 plan shall be deemed terminated, and the businesses participating  
80 in the promotional association's events shall not participate in  
81 activities permitted by subsection 3 of this section without prior  
82 written consent from the supervisor of alcohol and tobacco control.

83 7. The provisions of this section shall expire two years after  
84 August 28, 2009.]

EXPLANATION: The report required under this section was due no later than  
January 6, 2010 (report submitted by the deadline).

2 [374.776. During the legislative interim between the first  
3 regular session and the second regular session of the ninety-fifth  
4 general assembly, the Missouri department of insurance, financial  
5 institutions and professional registration shall conduct a study  
regarding its licensing rules and other policies and procedures

6 governing the bail bond industry within the state of Missouri. The  
7 department, in its discretion, may hold public hearings within the  
8 state and permit testimony and input from surety insurance  
9 companies, general bail bond agents, bail bond agents, legislators,  
10 law enforcement agencies, officials from the department, and other  
11 interested parties. If public hearings are held, the director shall  
12 provide notice to all licensees licensed under sections 374.695 to  
13 374.789 of the date, time, and location of such public hearings. The  
14 department shall submit a report of its findings and  
15 recommendations to the house of representatives and senate  
16 insurance committees no later than January 6, 2010.]

EXPLANATION: Sections 376.825 to 376.836 expired 01-01-11 (see section 376.836).

2 [376.825. Sections 376.825 to 376.840 shall be known and  
3 may be cited as the "Mental Health and Chemical Dependency  
4 Insurance Act".]

5 [376.826. For the purposes of sections 376.825 to 376.836  
6 the following terms shall mean:

7 (1) "Director", the director of the department of insurance,  
8 financial institutions and professional registration;

9 (2) "Health insurance policy" or "policy", all health  
10 insurance policies or contracts that are individually underwritten  
11 or provide such coverage for specific individuals and members of  
12 their families, which provide for hospital treatments. The term  
13 shall also include any individually underwritten coverage issued by  
14 a health maintenance organization. The provisions of sections  
15 376.825 to 376.836 shall not apply to policies which provide  
16 coverage for a specified disease only, other than for mental illness  
17 or chemical dependency;

18 (3) "Insurer", an entity licensed by the department of  
19 insurance, financial institutions and professional registration to  
20 offer a health insurance policy;

(4) "Mental illness", the following disorders contained in the  
International Classification of Diseases (ICD-9-CM):

(a) Schizophrenic disorders and paranoid states (295 and  
297, except 297.3);

21 (b) Major depression, bipolar disorder, and other affective  
22 psychoses (296);

23 (c) Obsessive compulsive disorder, post-traumatic stress  
24 disorder and other major anxiety disorders (300.0, 300.21, 300.22,  
25 300.23, 300.3 and 309.81);

26 (d) Early childhood psychoses, and other disorders first  
27 diagnosed in childhood or adolescence (299.8, 312.8, 313.81 and  
28 314);

29 (e) Alcohol and drug abuse (291, 292, 303, 304, and 305,  
30 except 305.1); and

31 (f) Anorexia nervosa, bulimia and other severe eating  
32 disorders (307.1, 307.51, 307.52 and 307.53);

33 (g) Senile organic psychotic conditions (290);

34 (5) "Rate", "term", or "condition", any lifetime limits, annual  
35 payment limits, episodic limits, inpatient or outpatient service  
36 limits, and out-of-pocket limits. This definition does not include  
37 deductibles, co-payments, or coinsurance prior to reaching any  
38 maximum out-of-pocket limit. Any out-of-pocket limit under a  
39 policy shall be comprehensive for coverage of mental illness and  
40 physical conditions.]

[376.827. 1. Nothing in this bill shall be construed as  
2 requiring the coverage of mental illness.

3 2. Except for the coverage required pursuant to subsection  
4 1 of section 376.779, and the offer of coverage required pursuant to  
5 sections 376.810 through 376.814, if any of the mental illness  
6 disorders enumerated in subdivision (4) of section 376.826 are  
7 provided by the health insurance policy, the coverage provided  
8 shall include all the disorders enumerated in subdivision (4) of  
9 section 376.826 and shall not establish any rate, term, or condition  
10 that places a greater financial burden on an insured for access to  
11 evaluation and treatment for mental illness than for access to  
12 evaluation and treatment for physical conditions, generally, except  
13 that alcohol and other drug abuse services shall have a minimum  
14 of thirty days total inpatient treatment and a minimum of twenty  
15 total visits for outpatient treatment for each year of coverage. A  
16 lifetime limit equal to four times such annual limits may be

17 imposed. The days allowed for inpatient treatment can be  
18 converted for use for outpatient treatment on a two-for-one basis.

19 3. Deductibles, co-payment or coinsurance amounts for  
20 access to evaluation and treatment for mental illness shall not be  
21 unreasonable in relation to the cost of services provided.

22 4. A health insurance policy that is a federally qualified  
23 plan of benefits shall be construed to be in compliance with  
24 sections 376.825 to 376.836 if the policy is issued by a federally  
25 qualified health maintenance organization and the federally  
26 qualified health maintenance organization offered mental health  
27 coverage as required by sections 376.825 to 376.836. If such  
28 coverage is rejected, the federally qualified health maintenance  
29 organization shall, at a minimum, provide coverage for mental  
30 health services as a basic health service as required by the Federal  
31 Public Health Service Act, 42 U.S.C. Section 300e., et seq.

32 5. Health insurance policies that provide mental illness  
33 benefits pursuant to sections 376.825 to 376.840 shall be deemed  
34 to be in compliance with the requirements of subsection 1 of section  
35 376.779.

36 6. The director may disapprove any policy that the director  
37 determines to be inconsistent with the purposes of this section.]

[376.830. 1. The coverages set forth in sections 376.825 to  
2 376.840 may be administered pursuant to a managed care program  
3 established by the insurance company, health services corporation  
4 or health maintenance organization, and covered services may be  
5 delivered through a system of contractual arrangements with one  
6 or more licensed providers, community mental health centers,  
7 hospitals, nonresidential or residential treatment programs, or  
8 other mental health service delivery entities certified by the  
9 department of mental health, or accredited by a nationally  
10 recognized organization, or licensed by the state of  
11 Missouri. Nothing in this section shall authorize any unlicensed  
12 provider to provide covered services.

13 2. An insurer may use a case management program for  
14 mental illness benefits to evaluate and determine medically  
15 necessary and clinically appropriate care and treatment for each

16 patient.

17 3. Nothing in sections 376.825 to 376.840 shall be construed  
18 to require a managed care plan as defined by section 354.600, when  
19 providing coverage for benefits governed by sections 376.825 to  
20 376.840, to cover services rendered by a provider other than a  
21 participating provider, except for the coverage pursuant to  
22 subsection 4 of section 376.811. An insurer may contract for  
23 benefits provided in sections 376.825 to 376.840 with a managing  
24 entity or group of providers for the management and delivery of  
25 services for benefits governed by sections 376.825 to 376.840.]

[376.833. 1. The provisions of section 376.827 shall not be  
2 violated if the insurer decides to apply different limits or exclude  
3 entirely from coverage the following:

4 (1) Marital, family, educational, or training services unless  
5 medically necessary and clinically appropriate;

6 (2) Services rendered or billed by a school or halfway house;

7 (3) Care that is custodial in nature;

8 (4) Services and supplies that are not medically necessary  
9 nor clinically appropriate; or

10 (5) Treatments that are considered experimental.

11 2. The director shall grant a policyholder a waiver from the  
12 provisions of section 376.827 if the policyholder demonstrates to  
13 the director by actual experience over any consecutive  
14 twenty-four-month period that compliance with sections 376.825 to  
15 376.840 has increased the cost of the health insurance policy by an  
16 amount that results in a two percent increase in premium costs to  
17 the policyholder.]

[376.836. 1. The provisions of sections 376.825 to 376.836  
2 apply to applications for coverage made on or after January 1,  
3 2005, and to health insurance policies issued or renewed on or after  
4 such date to residents of this state. Multiyear group policies need  
5 not comply until the expiration of their current multiyear term  
6 unless the policyholder elects to comply before that time.

7 2. This section shall not apply to a supplemental insurance  
8 policy, including a life care contract, accident-only policy, specified  
9 disease policy, hospital policy providing a fixed daily benefit only,

10 Medicare supplement policy, long-term care policy,  
11 hospitalization-surgical care policy, short-term major medical policy  
12 of six months or less duration, or any other supplemental policy as  
13 determined by the director of the department of insurance,  
14 financial institutions and professional registration.

15 3. The provisions of sections 376.825 to 376.836 shall expire  
16 on January 1, 2011.]

EXPLANATION: This section expired 12-31-10 (preliminary report submitted in  
2008; final report submitted 12-31-10).

[383.250. 1. There is hereby created within the department  
2 of insurance, financial institutions and professional registration the  
3 "Health Care Stabilization Fund Feasibility Board". The primary  
4 duty of the board is to determine whether a health care  
5 stabilization fund should be established in Missouri to provide  
6 excess medical malpractice insurance coverage for health care  
7 providers. As part of its duties, the board shall develop a  
8 comprehensive study detailing whether a health care stabilization  
9 fund is feasible within Missouri, or specified geographic regions  
10 thereof, or whether a health care stabilization fund would be  
11 feasible for specific medical specialties. The board shall analyze  
12 medical malpractice insurance data collected by the department of  
13 insurance, financial institutions and professional registration  
14 under sections 383.105 and 383.106 and any other data the board  
15 deems necessary to its mission. In addition to analyzing data  
16 collected from the Missouri medical malpractice insurance market,  
17 the board may study the experience of other states that have  
18 established health care stabilization funds or patient compensation  
19 funds. If a health care stabilization fund is determined to be  
20 feasible within Missouri, the report shall also recommend to the  
21 general assembly how the fund should be structured, designed, and  
22 funded. The report may contain any other recommendations  
23 relevant to the establishment of a health care stabilization fund,  
24 including but not limited to specific recommendations for any  
25 statutory or regulatory changes necessary for the establishment of  
26 a health care stabilization fund.

27 2. The board shall consist of ten members. Other than the

28 director, the house members and the senate members, the  
29 remainder of the board's members shall be appointed by the  
30 director of the department of insurance, financial institutions and  
31 professional registration as provided for in this subsection. The  
32 board shall be composed of:

33 (1) The director of the department of insurance, financial  
34 institutions and professional registration, or his or her designee;

35 (2) Two members of the Missouri senate appointed by the  
36 president pro tem of the senate with no more than one from any  
37 political party;

38 (3) Two members of the Missouri house of representatives  
39 appointed by the speaker of the house with no more than one  
40 member from any political party;

41 (4) One member who is licensed to practice medicine as a  
42 medical doctor who is on a list of nominees submitted to the  
43 director by an organization representing Missouri's medical society;

44 (5) One member who practices medicine as a doctor of  
45 osteopathy and who is on a list of nominees submitted to the  
46 director by an organization representing Missouri doctors of  
47 osteopathy;

48 (6) One member who is a licensed nurse in Missouri and  
49 who is on a list submitted to the director by an organization  
50 representing Missouri nurses;

51 (7) One member who is a representative of Missouri  
52 hospitals and who is on a list of nominees submitted to the director  
53 by an organization representing Missouri hospitals; and

54 (8) One member who is a physician and who is on a list  
55 submitted to the director by an organization representing family  
56 physicians in the state of Missouri.

57 3. The director shall appoint the members of the board,  
58 other than the general assembly members, no later than January  
59 1, 2007. Once appointed, the board shall meet at least quarterly,  
60 and shall submit its final report and recommendations regarding  
61 the feasibility of a health care stabilization fund to the governor  
62 and the general assembly no later than December 31, 2010. The  
63 board shall also submit annual interim reports to the general

64 assembly regarding the status of its progress.

65 4. The board shall have the authority to convene  
66 conferences and hold hearings. All conferences and hearings shall  
67 be held in accordance with chapter 610.

68 5. The director of the department of insurance, financial  
69 institutions and professional registration shall provide and  
70 coordinate staff and equipment services to the board to facilitate  
71 the board's duties.

72 6. Board members shall receive no additional compensation  
73 but shall be eligible for reimbursement for expenses directly  
74 related to the performance of their duties.

75 7. The provisions of this section shall expire December 31,  
76 2010.]

EXPLANATION: The authority delegated under this section expired 08-28-09.

[393.171. 1. The commission shall have the authority to  
2 grant the permission and approval specified in section 393.170  
3 after the construction or acquisition of any electric plant located in  
4 a first class county without a charter form of government has been  
5 completed if the commission determines that the grant of such  
6 permission and approval is necessary or convenient for the public  
7 service. Any such permission and approval shall, for all purposes,  
8 have the same effect as the permission and approval granted prior  
9 to such construction or acquisition. This subsection is enacted to  
10 clarify and specify the law in existence at all times since the  
11 original enactment of section 393.170.

12 2. No permission or approval granted for an electric plant  
13 by the commission under subsection 1 of this section, nor any  
14 special use permit issued for any such electric plant by the  
15 governing body of the county in which the electric plant is located,  
16 shall extinguish, render moot, or mitigate any suit or claim  
17 pending or otherwise allowable by law by any landowner or other  
18 legal entity for monetary damages allegedly caused by the  
19 operation or existence of such electric plant. Expenses incurred by  
20 an electrical corporation in association with the payment of any  
21 such damages shall not be recoverable, in any form at any time,  
22 from the ratepayers of any such electrical corporation.



23                   3. The commission's authority under subsection 1 of this  
24                   section shall expire on August 28, 2009.]

EXPLANATION: This section expired 01-01-10.

                  [488.2205. 1. In addition to all court fees and costs  
2                   prescribed by law, a surcharge of up to ten dollars shall be  
3                   assessed as costs in each court proceeding filed in any court within  
4                   the thirtieth judicial circuit in all criminal cases including  
5                   violations of any county or municipal ordinance or any violation of  
6                   a criminal or traffic law of the state, including an infraction, except  
7                   that no such surcharge shall be collected in any proceeding in any  
8                   court when the proceeding or defendant has been dismissed by the  
9                   court or when costs are to be paid by the state, county or  
10                  municipality. For violations of the general criminal laws of the  
11                  state or county ordinances, no such surcharge shall be collected  
12                  unless it is authorized, by order, ordinance or resolution by the  
13                  county government where the violation occurred. For violations of  
14                  municipal ordinances, no such surcharge shall be collected unless  
15                  it is authorized, by order, ordinance or resolution by the municipal  
16                  government where the violation occurred. Such surcharges shall  
17                  be collected and disbursed by the clerk of each respective court  
18                  responsible for collecting court costs in the manner provided by  
19                  sections 488.010 to 488.020, and shall be payable to the treasurer  
20                  of the county where the violation occurred.

21                  2. Each county shall use all funds received pursuant to this  
22                  section only to pay for the costs associated with the construction,  
23                  maintenance and operation of the county judicial facility and the  
24                  circuit juvenile detention center including, but not limited to,  
25                  utilities, maintenance and building security. The county shall  
26                  maintain records identifying such operating costs, and any moneys  
27                  not needed for the operating costs of the county judicial facility  
28                  shall be transmitted quarterly to the general revenue fund of the  
29                  county.

30                  3. This section shall expire and be of no force and effect on  
31                  and after January 1, 2010.]

EXPLANATION: This section expired 07-01-10.

                  [620.602. 1. There is established a permanent joint

2 committee of the general assembly to be known as the "Joint  
3 Committee on Economic Development Policy and Planning" to be  
4 composed of five members of the senate, appointed by the president  
5 pro tem of the senate, and five members of the house, appointed by  
6 the speaker of the house. No more than three members of the  
7 senate and three members of the house shall be from the same  
8 political party. The appointment of members shall continue during  
9 their terms of office as members of the general assembly or until  
10 successors have been duly appointed to fill their places when their  
11 terms of office as members of the general assembly have  
12 expired. Members of the joint committee shall receive no  
13 compensation in addition to their salary as members of the general  
14 assembly, but may receive their necessary expenses for attending  
15 the meetings of the committee, to be paid out of the committee's  
16 appropriations or the joint contingent fund.

17 2. The joint committee on economic development policy and  
18 planning shall meet within ten days after its establishment and  
19 organize by selecting a chairman and a vice chairman, one of whom  
20 shall be a member of the senate and the other a member of the  
21 house of representatives. These positions shall rotate annually  
22 between a member of the senate and a member of the house of  
23 representatives. The committee shall regularly meet at least  
24 quarterly. A majority of the members of the committee shall  
25 constitute a quorum. The committee may, within the limits of its  
26 appropriations, employ such persons as it deems necessary to carry  
27 out its duties. The compensation of such personnel shall be paid  
28 from the committee's appropriations or the joint contingent fund.

29 3. The joint committee on economic development policy and  
30 planning shall, at its regular meetings, confer with representatives  
31 from the governor's office, the department of economic development,  
32 the University of Missouri extension service, and other interested  
33 parties from the private and public sectors. The joint committee  
34 shall review the annual report produced by the department of  
35 economic development, as required by section 620.607, and plan,  
36 develop and evaluate a long-term economic development policy for  
37 the state of Missouri to ensure the state's competitive status with

38 other states.

39 4. The provisions of this section shall expire on July 1,  
40 2010.]

EXPLANATION: This section expired 09-30-11.

2 [633.410. 1. For purposes of this section, the following  
terms mean:

3 (1) "Certification fee", a fee to be paid by providers of health  
4 benefit services, which in the aggregate for all providers shall not  
5 exceed the overall cost of the department of mental health's  
6 operation of its certification programs for residential habilitation,  
7 individualized supported living, and day habilitation services  
8 provided to developmentally disabled individuals;

9 (2) "Home and community-based waiver services for persons  
10 with developmental disabilities", a department of mental health  
11 program which admits persons who are developmentally disabled  
12 for residential habilitation, individualized supported living, or day  
13 habilitation services under chapter 630;

14 (3) "Provider of health benefit services", publicly and  
15 privately operated programs providing residential habilitation,  
16 individualized supported living, or day habilitation services to  
17 developmentally disabled individuals that have been certified to  
18 meet department of mental health certification standards.

19 2. Beginning July 1, 2009, each provider of health benefit  
20 services accepting payment shall pay a certification fee.

21 3. Each provider's fee shall be based on a formula set forth  
22 in rules and regulations promulgated by the department of mental  
23 health.

24 4. The fee imposed under this section shall be determined  
25 based on the reasonable costs incurred by the department of mental  
26 health in its programs of certification of providers of health benefit  
27 services. Imposition of the fee shall be contingent upon receipt of  
28 all necessary federal approvals under federal law and regulation to  
29 assure that the collection of the fee will not adversely affect the  
30 receipt of federal financial participation in medical assistance  
31 under Title XIX of the federal Social Security Act.

32 5. Fees shall be determined annually and prorated monthly

33 by the director of the department of mental health or his or her  
34 designee and shall be made payable to the director of the  
35 department of revenue.

36 6. In the alternative, a provider may direct that the director  
37 of the department of social services offset, from the amount of any  
38 payment to be made by the state to the provider, the amount of the  
39 fee payment owed for any month.

40 7. Fee payments shall be deposited in the state treasury to  
41 the credit of the "Home and Community-Based Developmental  
42 Disabilities Waiver Reimbursement Allowance Fund", which is  
43 hereby created in the state treasury. All investment earnings of  
44 this fund shall be credited to the fund. The state treasurer shall  
45 be custodian and may approve disbursement. Notwithstanding the  
46 provisions of section 33.080 to the contrary, any unexpended  
47 balance in the home and community-based developmental  
48 disabilities waiver reimbursement allowance fund at the end of the  
49 biennium shall not revert to the general revenue fund but shall  
50 accumulate from year to year. The state treasurer shall maintain  
51 records that show the amount of money in the fund at any time and  
52 the amount of any investment earnings on that amount.

53 8. Every provider of residential habilitation, individualized  
54 supported living, and day habilitation services to developmentally  
55 disabled individuals shall submit annually an acknowledgment of  
56 certification for the purpose of paying its certification fee. The  
57 report shall be in such form as may be prescribed by rule by the  
58 director of the department of mental health.

59 9. The director of the department of mental health shall  
60 prescribe by rule the form and content of any document required to  
61 be filed under the provisions of this section.

62 10. Upon receipt of notification from the director of the  
63 department of mental health of a provider's delinquency in paying  
64 fees required under this section, the director of the department of  
65 social services shall withhold, and shall remit to the director of the  
66 department of revenue, the fee amount estimated by the director of  
67 the department of mental health from any payment to be made by  
68 the state to the provider.

69           11. In the event a provider objects to the estimate described  
70 in subsection 10 of this section, or any other decision of the  
71 department of mental health related to this section, the provider of  
72 services may request a hearing. If a hearing is requested, the  
73 director of the department of mental health shall provide the  
74 provider of services an opportunity to be heard and to present  
75 evidence bearing on the amount due for an assessment or other  
76 issue related to this section within thirty days after collection of an  
77 amount due or receipt of a request for a hearing, whichever is  
78 later. The director of the department of mental health shall issue  
79 a final decision within forty-five days of the completion of the  
80 hearing. After reconsideration of the fee determination and a final  
81 decision by the director of the department of mental health, a  
82 residential habilitation, individualized supported living, and day  
83 habilitation services to developmentally disabled individuals  
84 provider's appeal of the director of the department of mental  
85 health's final decision shall be to the administrative hearing  
86 commission in accordance with section 208.156 and section 621.055.

87           12. Notwithstanding any other provision of law to the  
88 contrary, appeals regarding this assessment shall be to the circuit  
89 court of Cole County or the circuit court in the county in which the  
90 provider is located. The circuit court shall hear the matter as the  
91 court of original jurisdiction.

92           13. Nothing in this section shall be deemed to affect or in  
93 any way limit the tax-exempt or nonprofit status of any provider of  
94 residential habilitation, individualized supported living, and day  
95 habilitation services to developmentally disabled individuals  
96 granted by state law.

97           14. The director of the department of mental health shall  
98 promulgate rules and regulations to implement this section. Any  
99 rule or portion of a rule, as that term is defined in section 536.010,  
100 that is created under the authority delegated in this section shall  
101 become effective only if it complies with and is subject to all of the  
102 provisions of chapter 536 and, if applicable, section 536.028. This  
103 section and chapter 536 are nonseverable and if any of the powers  
104 vested with the general assembly pursuant to chapter 536 to

105 review, to delay the effective date, or to disapprove and annul a  
106 rule are subsequently held unconstitutional, then the grant of  
107 rulemaking authority and any rule proposed or adopted after  
108 August 28, 2009, shall be invalid and void.

109 15. The provisions of this section shall expire on September  
110 30, 2011.]

EXPLANATION: The report required under this section was due for submission  
no later than December 31, 2011 (report submitted by the deadline).

[640.850. The governor shall convene a committee of  
2 representatives of the departments of health and senior services,  
3 natural resources, economic development, agriculture, and  
4 conservation. The committee shall evaluate opportunities for  
5 consolidating services with the goal of improving efficiency and  
6 reducing cost while optimizing the benefits to the citizens of  
7 Missouri. As part of its evaluation, the committee shall specifically  
8 consider the transfer of the division of energy from the department  
9 of natural resources to the department of economic development  
10 and the consolidation of water quality laboratory testing under the  
11 department of health and senior services for purposes of meeting  
12 water testing requirements of the federal Safe Drinking Water Act  
13 and the Federal Water Pollution Control Act. The committee shall  
14 provide recommendations to the governor and general assembly no  
15 later than December 31, 2011.]

EXPLANATION: This section sunset 06-05-12.

[650.120. 1. There is hereby created in the state treasury  
2 the "Cyber Crime Investigation Fund". The treasurer shall be  
3 custodian of the fund and may approve disbursements from the  
4 fund in accordance with sections 30.170 and 30.180. Beginning with  
5 the 2010 fiscal year and in each subsequent fiscal year, the general  
6 assembly shall appropriate three million dollars to the cyber crime  
7 investigation fund. The department of public safety shall be the  
8 administrator of the fund. Moneys in the fund shall be used solely  
9 for the administration of the grant program established under this  
10 section. Notwithstanding the provisions of section 33.080 to the  
11 contrary, any moneys remaining in the fund at the end of the  
12 biennium shall not revert to the credit of the general revenue

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

16 2. The department of public safety shall create a program  
17 to distribute grants to multijurisdictional internet cyber crime law  
18 enforcement task forces, multijurisdictional enforcement groups, as  
19 defined in section 195.503, that are investigating internet sex  
20 crimes against children, and other law enforcement agencies. The  
21 program shall be funded by the cyber crime investigation fund  
22 created under subsection 1 of this section. Not more than three  
23 percent of the money in the fund may be used by the department  
24 to pay the administrative costs of the grant program. The grants  
25 shall be awarded and used to pay the salaries of detectives and  
26 computer forensic personnel whose focus is investigating internet  
27 sex crimes against children, including but not limited to enticement  
28 of a child, possession or promotion of child pornography, provide  
29 funding for the training of law enforcement personnel and  
30 prosecuting and circuit attorneys as well as their assistant  
31 prosecuting and circuit attorneys, and purchase necessary  
32 equipment, supplies, and services. The funding for such training  
33 may be used to cover the travel expenses of those persons  
34 participating.

35 3. A panel is hereby established in the department of public  
36 safety to award grants under this program and shall be comprised  
37 of the following members:

38 (1) The director of the department of public safety, or his or  
39 her designee;

40 (2) Two members shall be appointed by the director of the  
41 department of public safety from a list of six nominees submitted  
42 by the Missouri Police Chiefs Association;

43 (3) Two members shall be appointed by the director of the  
44 department of public safety from a list of six nominees submitted  
45 by the Missouri Sheriffs' Association;

46 (4) Two members of the state highway patrol shall be  
47 appointed by the director of the department of public safety from  
48 a list of six nominees submitted by the Missouri State Troopers

49 Association;

50 (5) One member of the house of representatives who shall  
51 be appointed by the speaker of the house of representatives; and

52 (6) One member of the senate who shall be appointed by the  
53 president pro tem.

54 The panel members who are appointed under subdivisions (2), (3),  
55 and (4) of this subsection shall serve a four-year term ending four  
56 years from the date of expiration of the term for which his or her  
57 predecessor was appointed. However, a person appointed to fill a  
58 vacancy prior to the expiration of such a term shall be appointed  
59 for the remainder of the term. Such members shall hold office for  
60 the term of his or her appointment and until a successor is  
61 appointed. The members of the panel shall receive no additional  
62 compensation but shall be eligible for reimbursement for mileage  
63 directly related to the performance of panel duties.

64 4. Local matching amounts, which may include new or  
65 existing funds or in-kind resources including but not limited to  
66 equipment or personnel, are required for multijurisdictional  
67 internet cyber crime law enforcement task forces and other law  
68 enforcement agencies to receive grants awarded by the panel. Such  
69 amounts shall be determined by the state appropriations process  
70 or by the panel.

71 5. When awarding grants, priority should be given to newly  
72 hired detectives and computer forensic personnel.

73 6. The panel shall establish minimum training standards  
74 for detectives and computer forensic personnel participating in the  
75 grant program established in subsection 2 of this section.

76 7. Multijurisdictional internet cyber crime law enforcement  
77 task forces and other law enforcement agencies participating in the  
78 grant program established in subsection 2 of this section shall  
79 share information and cooperate with the highway patrol and with  
80 existing internet crimes against children task force programs.

81 8. The panel may make recommendations to the general  
82 assembly regarding the need for additional resources or  
83 appropriations.

84 9. The power of arrest of any peace officer who is duly



85 authorized as a member of a multijurisdictional internet cyber  
86 crime law enforcement task force shall only be exercised during the  
87 time such peace officer is an active member of such task force and  
88 only within the scope of the investigation on which the task force  
89 is working. Notwithstanding other provisions of law to the  
90 contrary, such task force officer shall have the power of arrest, as  
91 limited in this subsection, anywhere in the state and shall provide  
92 prior notification to the chief of police of a municipality or the  
93 sheriff of the county in which the arrest is to take place. If exigent  
94 circumstances exist, such arrest may be made and notification shall  
95 be made to the chief of police or sheriff as appropriate and as soon  
96 as practical. The chief of police or sheriff may elect to work with  
97 the multijurisdictional internet cyber crime law enforcement task  
98 force at his or her option when such task force is operating within  
99 the jurisdiction of such chief of police or sheriff.

100 10. Under section 23.253 of the Missouri sunset act:

101 (1) The provisions of the new program authorized under  
102 this section shall sunset automatically six years after June 5, 2006,  
103 unless reauthorized by an act of the general assembly; and

104 (2) If such program is reauthorized, the program authorized  
105 under this section shall sunset automatically twelve years after the  
106 effective date of the reauthorization of this section; and

107 (3) This section shall terminate on September first of the  
108 calendar year immediately following the calendar year in which the  
109 program authorized under this section is sunset.]

EXPLANATION: Sections 660.425 to 660.465 expired 09-01-12 (see section 660.465).

2 [660.425. 1. In addition to all other fees and taxes required  
3 or paid, a tax is hereby imposed upon in-home services providers  
4 for the privilege of providing in-home services. The tax is imposed  
5 upon payments received by an in-home services provider for the  
6 provision of in-home services.

7 2. For purposes of sections 660.425 to 660.465, the following  
8 terms shall mean:

9 (1) "Engaging in the business of providing in-home  
services", all payments received by an in-home services provider for

10 the provision of in-home services;

11 (2) "In-home services", homemaker services, personal care  
12 services, chore services, respite services, consumer-directed  
13 services, and services, when provided in the individual's home and  
14 under a plan of care created by a physician, necessary to keep  
15 children out of hospitals. "In-home services" shall not include  
16 home health services as defined by federal and state law;

17 (3) "In-home services provider", any provider or vendor, as  
18 defined in section 208.900, of compensated in-home services and  
19 under a provider agreement or contracted with the department of  
20 social services or the department of health and senior services.]

[660.430. 1. Each in-home services provider in this state  
2 providing in-home services shall, in addition to all other fees and  
3 taxes now required or paid, pay an in-home services gross receipts  
4 tax, not to exceed six and one-half percent of gross receipts, for the  
5 privilege of engaging in the business of providing in-home services  
6 in this state.

7 2. Each in-home services provider's tax shall be based on a  
8 formula set forth in rules promulgated by the department of social  
9 services. Any rule or portion of a rule, as that term is defined in  
10 section 536.010, that is created under the authority delegated in  
11 this section shall become effective only if it complies with and is  
12 subject to all of the provisions of chapter 536 and, if applicable,  
13 section 536.028. This section and chapter 536 are nonseverable  
14 and if any of the powers vested with the general assembly pursuant  
15 to chapter 536 to review, to delay the effective date or to  
16 disapprove and annul a rule are subsequently held  
17 unconstitutional, then the grant of rulemaking authority and any  
18 rule proposed or adopted after August 28, 2009, shall be invalid  
19 and void.

20 3. The director of the department of social services or the  
21 director's designee may prescribe the form and contents of any  
22 forms or other documents required by sections 660.425 to 660.465

23 4. Notwithstanding any other provision of law to the  
24 contrary, appeals regarding the promulgation of rules under this  
25 section shall be made to the circuit court of Cole County. The

26 circuit court of Cole County shall hear the matter as the court of  
27 original jurisdiction.]

[660.435. 1. For purposes of assessing the tax under  
2 sections 660.425 to 660.465, the department of health and senior  
3 services shall make available to the department of social services  
4 a list of all providers and vendors under this section.

5 2. Each in-home services provider subject to sections  
6 660.425 to 660.465 shall keep such records as may be necessary to  
7 determine the total payments received for the provision of in-home  
8 services by the in-home services provider. Every in-home services  
9 provider shall submit to the department of social services a  
10 statement that accurately reflects such information as is necessary  
11 to determine such in-home services provider's tax due.

12 3. The director of the department of social services may  
13 prescribe the form and contents of any forms or other documents  
14 required by this section.

15 4. Each in-home services provider shall report the total  
16 payments received for the provision of in-home services to the  
17 department of social services.]

[660.440. 1. The tax imposed by sections 660.425 to  
2 660.465 shall become effective upon authorization by the federal  
3 Centers for Medicare & Medicaid Services for a gross receipts tax  
4 for in-home services.

5 2. If the federal Centers for Medicare & Medicaid Services  
6 determines that their authorization is not necessary for the tax  
7 imposed under sections 660.425 to 660.465, the tax shall become  
8 effective sixty days after the date of such determination.]

[660.445. 1. The determination of the amount of tax due  
2 shall be the total amount of payments reported to the department  
3 multiplied by the tax rate established by rule by the department of  
4 social services.

5 2. The department of social services shall notify each  
6 in-home services provider of the amount of tax due. Such amount  
7 may be paid in increments over the balance of the assessment  
8 period.

9 3. The department of social services may adjust the tax due

10 quarterly on a prospective basis. The department of social services  
11 may adjust the tax due more frequently for individual providers if  
12 there is a substantial and statistically significant change in the  
13 in-home services provided or in the payments received for such  
14 services provided. The department of social services may define  
15 such adjustment criteria by rule.]

[660.450. The director of the department of social services  
2 may offset the tax owed by an in-home services provider against  
3 any Missouri Medicaid payment due such in-home services  
4 provider, if the in-home services provider requests such an  
5 offset. The amounts to be offset shall result, so far as practicable,  
6 in withholding from the in-home services provider an amount  
7 substantially equal to the assessment due from the in-home  
8 services provider. The office of administration and the state  
9 treasurer may make any fund transfers necessary to execute the  
10 offset.]

[660.455. 1. The in-home services tax owed or, if an offset  
2 has been made, the balance after such offset, if any, shall be  
3 remitted by the in-home services provider to the department of  
4 social services. The remittance shall be made payable to the  
5 director of the department of social services and shall be deposited  
6 in the state treasury to the credit of the "In-home Services Gross  
7 Receipts Tax Fund" which is hereby created to provide payments  
8 for in-home services provided. All investment earnings of the fund  
9 shall be credited to the fund.

10 2. An offset authorized by section 660.450 or a payment to  
11 the in-home services gross receipts tax fund shall be accepted as  
12 payment of the obligation set forth in section 660.425.

13 3. The state treasurer shall maintain records showing the  
14 amount of money in the in-home services gross receipts tax fund at  
15 any time and the amount of investment earnings on such amount.

16 4. Notwithstanding the provisions of section 33.080 to the  
17 contrary, any unexpended balance in the in-home services gross  
18 receipts tax fund at the end of the biennium shall not revert to the  
19 credit of the general revenue fund.]

[660.460. 1. The department of social services shall notify

2 each in-home services provider with a tax due of more than ninety  
3 days of the amount of such balance. If any in-home services  
4 provider fails to pay its in-home services tax within thirty days of  
5 such notice, the in-home services tax shall be delinquent.

6 2. If any tax imposed under sections 660.425 to 660.465 is  
7 unpaid and delinquent, the department of social services may  
8 proceed to enforce the state's lien against the property of the  
9 in-home services provider and compel the payment of such  
10 assessment in the circuit court having jurisdiction in the county  
11 where the in-home services provider is located. In addition, the  
12 department of social services may cancel or refuse to issue, extend,  
13 or reinstate a Medicaid provider agreement to any in-home services  
14 provider that fails to pay the tax imposed by section 660.425.

15 3. Failure to pay the tax imposed under section 660.425  
16 shall be grounds for failure to renew a provider agreement for  
17 services or failure to renew a provider contract. The department  
18 of social services may revoke the provider agreement of any  
19 in-home services provider that fails to pay such tax, or notify the  
20 department of health and senior services to revoke the provider  
21 contract.]

[660.465. 1. The in-home services tax required by sections  
2 660.425 to 660.465 shall expire:

3 (1) Ninety days after any one or more of the following  
4 conditions are met:

5 (a) The aggregate in-home services fee as appropriated by  
6 the general assembly paid to in-home services providers for  
7 in-home services provided is less than the fiscal year 2010 in-home  
8 services fees reimbursement amount; or

9 (b) The formula used to calculate the reimbursement as  
10 appropriated by the general assembly for in-home services provided  
11 is changed resulting in lower reimbursement to in-home services  
12 providers in the aggregate than provided in fiscal year 2010; or

13 (2) September 1, 2012.

14 The director of the department of social services shall notify the  
15 revisor of statutes of the expiration date as provided in this  
16 subsection.

17                   2. Sections 660.425 to 660.465 shall expire on September 1,  
18                   2012.]

EXPLANATION: The report required under this section was due for submission no later than December 31, 2011 (report submission undetermined).

                  [701.058. The department of natural resources and the  
2                   department of health and senior services shall jointly hold  
3                   stakeholder meetings for the purpose of gathering data and  
4                   information regarding permits and inspections for on-site sewage  
5                   disposal systems. The departments shall evaluate the data and  
6                   information obtained and present their findings and  
7                   recommendations in a report to be submitted to the general  
8                   assembly by December 31, 2011.]

EXPLANATION: The report required under this section was due for submission no later than July 1, 2010 (report not submitted by the deadline; DNR did not comply due to lack of funding for the study).

                  [701.502. 1. The department shall conduct a study of the  
2                   energy efficiency of consumer electronic products and report to the  
3                   general assembly no later than July 1, 2010. The report shall  
4                   include:

- 5                   (1) An assessment of energy requirements and energy usage  
6                   of consumer electronic products;  
7                   (2) Recommendations to consumers regarding appropriate  
8                   use of consumer electronic products; and  
9                   (3) Recommendations to consumers regarding the  
10                  availability of energy efficient consumer electronic products in  
11                  Missouri.

12                  2. The report shall be posted on the department's website  
13                  and made available to the public upon request.]

✓