

FIRST REGULAR SESSION

HOUSE BILL NO. 1058

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor) AND SCHOELLER (Co-sponsor).

2406L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.811, 57.080, 57.130, 71.970, 99.799, 165.016, 165.018, 174.020, 192.375, 198.087, 208.344, 217.860, 226.030, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.367, 313.835, 328.050, 329.240, 374.208, 376.671, 376.990, 537.675, and 620.515, RSMo, and to enact in lieu thereof nine new sections for the sole purpose of repealing expired provisions of law.

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

Section A. Sections 21.811, 57.080, 57.130, 71.970, 99.799, 165.016, 165.018, 174.020, 192.375, 198.087, 208.344, 217.860, 226.030, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.367, 313.835, 328.050, 329.240, 374.208, 376.671, 376.990, 537.675, and 620.515, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 57.080, 174.020, 198.087, 226.030, 313.835, 328.050, 329.240, 537.675, and 620.515, to read as follows:

57.080. [1.] Whenever from any cause the office of sheriff becomes vacant, the same shall be filled by the county commission; if such vacancy happens more than nine months prior to the time of holding a general election, such county commission shall immediately order a special election to fill the same, and the person by it appointed shall hold said office until the person chosen at such election shall be duly qualified; otherwise the person appointed by such county commission shall hold office until the person chosen at such general election shall be duly qualified; but while such vacancy continues, any writ or process directed to the said sheriff and in such sheriff's hands at the time such vacancy occurs, remaining unexecuted, and any writ or process issued after such vacancy, may be served by any person selected by the plaintiff, the plaintiff's agent or attorney, at the risk of such plaintiff; and the clerk of any court out of which

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

11 such writ or process shall issue shall endorse on such writ or process the authority to such person
12 to execute and return the same, and shall state on such endorsement that the authority thus given
13 is "at the request and risk of the plaintiff", and the person so named in said writ or process may
14 proceed to execute and return said process, as sheriffs are by the law required to do. Such
15 election shall be held on or before the tenth Tuesday after the vacancy occurs. Upon the
16 occurrence of such vacancy, it shall be the duty of the presiding commissioner of the county
17 commission, if such commission be not then in session, to call a special term thereof, and cause
18 said election to be held.

19 [2. Notwithstanding the provisions of this section to the contrary, if a vacancy occurs in
20 the office of the sheriff in any county of the first classification with more than seventy-one
21 thousand three hundred but fewer than seventy-one thousand four hundred inhabitants, the
22 election to fill such vacancy shall be held on the general municipal election day as provided for
23 in section 115.121, RSMo. The provisions of this subsection shall expire on June 1, 2005.]

174.020. 1. Except as provided in subsection 5 of this section, state institutions of higher
2 education governed by sections 174.020 to 174.500 shall be named and known as follows: the
3 institution at Warrensburg, Johnson County, shall hereafter be known as the "Central Missouri
4 State University"; the institution at Cape Girardeau, Cape Girardeau County, shall hereafter be
5 known as the "Southeast Missouri State University"; the institution at Springfield, Greene
6 County, shall hereafter be known as the "Missouri State University"; the institution at Maryville,
7 Nodaway County, shall hereafter be known as the "Northwest Missouri State University"; the
8 institution at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri Western
9 State University"; the institution at Joplin, Jasper County, shall hereafter be known as the
10 "Missouri Southern State University"; and the college in the city of St. Louis shall be known as
11 "Harris-Stowe State University".

12 2. References in the statutes in this state to such institutions whether denominated
13 colleges or universities in such statutes or whether said institutions are renamed in subsection
14 1 of this section shall continue to apply to the applicable institution.

15 3. Any costs incurred with respect to modifications of the names of the state colleges and
16 universities specified in subsection 1 of this section shall not be paid from state funds.

17 4. When the conditions set forth in section 178.631, RSMo, are met, the technical college
18 located in Osage County, commonly known as the East Campus of Linn Technical College, shall
19 be known as "Linn State Technical College".

20 [5. The board of governors of the institution at Warrensburg, Johnson County, may alter
21 the name of such institution to "The University of Central Missouri" upon the approval of at least
22 four voting members of the board. Upon such a vote, the board shall provide written notice to
23 the revisor of statutes affirming that the board has approved the alteration. From the date the

24 revisor receives the notice, the institution at Warrensburg, Johnson County, shall be named and
25 known as "The University of Central Missouri". The provisions of this subsection shall expire
26 on August 28, 2007.]

198.087. To ensure uniformity of application of regulation standards in long-term care
2 facilities throughout the state, the department of social services shall:

3 (1) Evaluate the requirements for inspectors or surveyors of facilities, including the
4 eligibility, training and testing requirements for the position. Based on the evaluation, the
5 department shall develop and implement additional training and knowledge standards for
6 inspectors and surveyors;

7 (2) Periodically evaluate the performance of the inspectors or surveyors regionally and
8 statewide to identify any deviations or inconsistencies in regulation application. At a minimum,
9 the Missouri on-site surveyor evaluation process, and the number and type of actions overturned
10 by the informal dispute resolution process and formal appeal shall be used in the evaluation.
11 Based on such evaluation, the department shall develop standards and a retraining process for
12 the region, state, or individual inspector or surveyor, as needed;

13 (3) In addition to the provisions of subdivisions (1) and (2) of this section, the
14 department shall develop a single uniform comprehensive and mandatory course of instruction
15 for inspectors/surveyors on the practical application of enforcement of statutes, rules and
16 regulations. Such course shall also be open to attendance by administrators and staff of facilities
17 licensed pursuant to this chapter;

18 (4) With the full cooperation of and in conjunction with the department of health and
19 senior services, evaluate the implementation and compliance of the provisions of subdivision (3)
20 of subsection 1 of section 198.012 in which rules, requirements, regulations and standards
21 pursuant to section 197.080, RSMo, for assisted living facilities, intermediate care facilities and
22 skilled nursing facilities attached to an acute care hospital are consistent with the intent of this
23 chapter[. A report of the differences found in the evaluation conducted pursuant to this
24 subdivision shall be made jointly by the departments of social services and health and senior
25 services to the governor and members of the general assembly by January 1, 2008]; and

26 (5) With the full cooperation and in conjunction with the department of health and senior
27 services, develop rules and regulations requiring the exchange of information, including
28 regulatory violations, between the departments to ensure the protection of individuals who are
29 served by health care providers regulated by either the department of health and senior services
30 or the department of social services.

226.030. 1. The highways and transportation commission shall consist of six members,
2 who shall be appointed by the governor, by and with the advice and consent of the senate, not
3 more than three thereof to be members of the same political party. Each commissioner shall be

4 a taxpayer and resident of state for at least five years prior to his appointment. Any
5 commissioner may be removed by the governor if fully satisfied of his inefficiency, neglect of
6 duty, or misconduct in office. Commissioners appointed pursuant to this section shall be
7 appointed for terms of six years, except as otherwise provided in this subsection. Upon the
8 expiration of each of the foregoing terms of these commissioners a successor shall be appointed
9 for a term of six years or until his successor is appointed and qualified which term of six years
10 shall thereafter be the length of term of each member of the commission unless removed as
11 above provided. The members of the commission shall receive as compensation for their
12 services twenty-five dollars per day for the time spent in the performance of their official duties,
13 and also their necessary traveling and other expenses incurred while actually engaged in the
14 discharge of their official duties. Members whose terms otherwise expire December 1, 2003,
15 shall serve with terms expiring March 1, 2004, and new members or the members reappointed
16 shall be appointed for terms expiring March 1, 2005; a member whose term otherwise expires
17 December 1, 2005, shall serve with a term expiring March 1, 2007; a member whose term
18 otherwise expires December 1, 2007, shall serve with a term expiring March 1, 2009; and one
19 member whose term otherwise expires October 13, 2007, shall serve with a term expiring March
20 1, 2007; and one member whose term otherwise expires October 13, 2007, shall serve with a
21 term expiring March 1, 2009. If a vacancy occurs in any term of a commissioner due to death,
22 resignation, or removal, a successor shall be appointed for only the remainder of the unexpired
23 term.

24 2. The two members of the commission, one each from opposing political parties, who
25 have the most seniority in commission service shall serve as commission leadership with one
26 member as chair and the other member as vice chair, respectively, for terms ending March 1,
27 2005. The commission shall elect one of the members as chair and the other as vice chair.
28 Effective March 1, 2005, the commission shall elect the two members of the commission, one
29 from each opposing political party who has the most seniority in commission service, who shall
30 serve as commission leadership with one member as chair and the other member as vice chair,
31 respectively, for one year. At the end of such year, the member currently serving as chair shall
32 then serve as vice chair, and the member currently serving as vice chair shall serve as chair, each
33 to serve in such position for one year. Thereafter, commission leadership shall continue to rotate
34 accordingly with the two members from opposing political parties who have the most seniority
35 in terms of commission service being elected by the commission to serve as commission
36 leadership. If one of the commission leadership offices becomes vacant due to death,
37 resignation, removal, or refuses to serve before the one-year leadership term expires, the
38 commission shall elect one of its members that is of the same political party as the vacating
39 officer to serve the remainder of the vacating officer's leadership term. Such election shall not

40 prohibit that member from later serving as chair and vice chair when such member's seniority
41 in commission service qualifies him or her for those offices as provided in this subsection.

42 3. No more than one-half of the members of the commission shall be of the same
43 political party. The selection and removal of all employees of the department of transportation
44 shall be without regard to political affiliation.

45 4. The present members of the commission shall continue to serve as members of the
46 commission for the remainder of the terms for which they were appointed, except as provided
47 in subsection 1 of this section.

48 5. [The director of the department of transportation shall, by February fifteenth of each
49 year, present an annual state of the state of transportation to a joint session of the general
50 assembly. The six members of the commission shall be present and available at such
51 presentations for questions by members. The transportation inspector general may also be
52 present and report to the general assembly on any matter of concern within his or her statutory
53 authority. The provisions of this subsection shall expire August 28, 2008.

54 6.] Any member reappointed shall only be eligible to serve as chair or vice-chair during
55 the final two years of such member's reappointment.

313.835. 1. All revenue received by the commission from license fees, penalties,
2 administrative fees, reimbursement by any excursion gambling boat operators for services
3 provided by the commission and admission fees authorized pursuant to the provisions of sections
4 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may
5 be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be
6 deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby
7 created for the sole purpose of funding the administrative costs of the commission, subject to
8 appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling
9 operations. Moneys deposited into the gaming commission fund shall be considered state funds
10 pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the
11 gaming commission fund shall be credited to the gaming commission fund. In each fiscal year,
12 total revenues to the gaming commission fund for the preceding fiscal year shall be compared
13 to total expenditures and transfers from the gaming commission fund for the preceding fiscal
14 year. The remaining net proceeds in the gaming commission fund shall be distributed in the
15 following manner:

16 (1) The first five hundred thousand dollars shall be appropriated on a per capita basis to
17 cities and counties that match the state portion and have demonstrated a need for funding
18 community neighborhood organization programs for the homeless and to deter gang-related
19 violence and crimes;

20 (2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and
21 prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund",
22 as hereby created in the state treasury. The state treasurer shall administer the veterans'
23 commission capital improvement trust fund, and the moneys in such fund shall be used solely,
24 upon appropriation, by the Missouri veterans' commission for:

25 (a) The construction, maintenance or renovation or equipment needs of veterans' homes
26 in this state;

27 (b) The construction, maintenance, renovation, equipment needs and operation of
28 veterans' cemeteries in this state;

29 (c) Fund transfers to Missouri veterans' homes fund established pursuant to the
30 provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund;

31 (d) Fund transfers to any municipality with a population greater than four hundred
32 thousand and located in part of a county with a population greater than six hundred thousand in
33 this state which has established a fund for the sole purpose of the restoration, renovation and
34 maintenance of a memorial or museum or both dedicated to World War I. Appropriations from
35 the veterans' commission capital improvement trust fund to such memorial fund shall be
36 provided only as a one-time match for other funds devoted to the project and shall not exceed
37 five million dollars. Additional appropriations not to exceed ten million dollars total may be
38 made from the veterans' commission capital improvement trust fund as a match to other funds
39 for the new construction or renovation of other facilities dedicated as veterans' memorials in the
40 state. All appropriations for renovation, new construction, reconstruction, and maintenance of
41 veterans' memorials shall be made only for applications received by the Missouri veterans'
42 commission prior to July 1, 2004;

43 (e) The issuance of matching fund grants for veterans' service officer programs to any
44 federally chartered veterans' organization or municipal government agency that is certified by
45 the Veterans Administration to process veteran claims within the Veterans Administration
46 System; provided that such veterans' organization has maintained a veterans' service officer
47 presence within the state of Missouri for the three-year period immediately preceding the
48 issuance of any such grant. A total of one million dollars in grants shall be made available
49 annually with grants being issued in July of each year. Application for the matching grants shall
50 be made through and approved by the Missouri veterans' commission based on the requirements
51 established by the commission;

52 (f) For payment of Missouri national guard and Missouri veterans' commission expenses
53 associated with providing medals, medallions and certificates in recognition of service in the
54 armed forces of the United States during World War II and the Korean Conflict pursuant to
55 sections 42.170 to 42.206, RSMo. Any funds remaining from the medals, medallions and

56 certificates shall not be transferred to any other fund and shall only be utilized for the awarding
57 of future medals, medallions, and certificates in recognition of service in the armed forces; and

58 (g) Fund transfers totaling ten million dollars to any municipality with a population
59 greater than three hundred fifty thousand inhabitants and located in part in a county with a
60 population greater than six hundred thousand inhabitants and with a charter form of government,
61 for the sole purpose of the construction, restoration, renovation and maintenance of a memorial
62 or museum or both dedicated to World War I. Any interest which accrues to the fund shall
63 remain in the fund and shall be used in the same manner as moneys which are transferred to the
64 fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the
65 contrary, moneys in the veterans' commission capital improvement trust fund at the end of any
66 biennium shall not be transferred to the credit of the general revenue fund;

67 (3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and
68 each fiscal year thereafter shall be distributed as follows:

69 (a) The first four and one-half million dollar portion shall be transferred to the access
70 Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101
71 to 173.1107, RSMo, and additional moneys as annually appropriated by the general assembly
72 shall be appropriated to such fund;

73 (b) The second three million dollar portion shall be transferred to the veterans'
74 commission capital improvement trust fund;

75 (c) The third three million dollar portion shall be transferred to the Missouri national
76 guard trust fund created in section 41.214, RSMo;

77 (d) Subject to appropriations, one hundred percent of remaining net proceeds in the
78 gaming commission fund except as provided in paragraph (l) of this subdivision, and after the
79 appropriations made pursuant to the provisions of paragraphs (a), (b), and (c) of this subdivision,
80 shall be transferred to the "Early Childhood Development, Education and Care Fund" which is
81 hereby created to give parents meaningful choices and assistance in choosing the child-care and
82 education arrangements that are appropriate for their family. All interest received on the fund
83 shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys
84 in the fund at the end of any biennium shall not be transferred to the credit of the general revenue
85 fund. Any moneys deposited in such fund shall be used to support programs that prepare
86 children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section
87 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood
88 development, education and care fund shall be annually appropriated for voluntary, early
89 childhood development, education and care programs serving children in every region of the
90 state not yet enrolled in kindergarten;

91 (e) No less than sixty percent of moneys deposited in the early childhood development,
92 education and care fund shall be appropriated as provided in this paragraph to the department of
93 elementary and secondary education and to the department of social services to provide early
94 childhood development, education and care programs through competitive grants to, or contracts
95 with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions
96 of this paragraph and additional moneys as appropriated by the general assembly shall be
97 appropriated to the department of elementary and secondary education and twenty percent of
98 such moneys pursuant to the provisions of this paragraph shall be appropriated to the department
99 of social services. The departments shall provide public notice and information about the grant
100 process to potential applicants:

101 a. Grants or contracts may be provided for:

102 (i) Start-up funds for necessary materials, supplies, equipment and facilities; and

103 (ii) Ongoing costs associated with the implementation of a sliding parental fee schedule
104 based on income;

105 b. Grant and contract applications shall, at a minimum, include:

106 (i) A funding plan which demonstrates funding from a variety of sources including
107 parental fees;

108 (ii) A child development, education and care plan that is appropriate to meet the needs
109 of children;

110 (iii) The identity of any partner agencies or contractual service providers;

111 (iv) Documentation of community input into program development;

112 (v) Demonstration of financial and programmatic accountability on an annual basis;

113 (vi) Commitment to state licensure within one year of the initial grant, if funding comes
114 from the appropriation to the department of elementary and secondary education and
115 commitment to compliance with the requirements of the department of social services, if funding
116 comes from the department of social services; and

117 (vii) With respect to applications by public schools, the establishment of a parent
118 advisory committee within each public school program;

119 c. In awarding grants and contracts pursuant to this paragraph, the departments may give
120 preference to programs which:

121 (i) Are new or expanding programs which increase capacity;

122 (ii) Target geographic areas of high need, namely where the ratio of program slots to
123 children under the age of six in the area is less than the same ratio statewide;

124 (iii) Are programs designed for special needs children;

125 (iv) Are programs that offer services during nontraditional hours and weekends; or

126 (v) Are programs that serve a high concentration of low-income families;

127 [d. Beginning on August 28, 1998, the department of elementary and secondary
128 education and the department of social services shall initiate and conduct a four-year study to
129 evaluate the impact of early childhood development, education and care in this state. The study
130 shall consist of an evaluation of children eligible for moneys pursuant to this paragraph,
131 including an evaluation of the early childhood development, education and care of those children
132 participating in such program and those not participating in the program over a four-year period.
133 At the conclusion of the study, the department of elementary and secondary education and the
134 department of social services shall, within ninety days of conclusion of the study, submit a report
135 to the general assembly and the governor, with an analysis of the study required pursuant to this
136 subparagraph, all data collected, findings, and other information relevant to early childhood
137 development, education and care;]

138 (f) No less than ten percent of moneys deposited in the early childhood development,
139 education and care fund shall be appropriated to the department of social services to provide
140 early childhood development, education and care programs through child development,
141 education and care certificates to families whose income does not exceed one hundred
142 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C.
143 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development,
144 education and care programs as approved by the department of social services. At a minimum,
145 the certificate shall be of a value per child which is commensurate with the per child payment
146 under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or
147 contracts. On February first of each year the department shall certify the total amount of child
148 development, education and care certificates applied for and the unused balance of the funds
149 shall be released to be used for supplementing the competitive grants and contracts program
150 authorized pursuant to paragraph (e) of this subdivision;

151 (g) No less than ten percent of moneys deposited in the early childhood development,
152 education and care fund shall be appropriated to the department of social services to increase
153 reimbursements to child-care facilities for low-income children that are accredited by a
154 recognized, early childhood accrediting organization;

155 (h) No less than ten percent of the funds deposited in the early childhood development,
156 education and care fund shall be appropriated to the department of social services to provide
157 assistance to eligible parents whose family income does not exceed one hundred eighty-five
158 percent of the federal poverty level who wish to care for their children under three years of age
159 in the home, to enable such parent to take advantage of early childhood development, education
160 and care programs for such parent's child or children. At a minimum, the certificate shall be of
161 a value per child which is commensurate with the per child payment under item (ii) of
162 subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The

163 department of social services shall provide assistance to these parents in the effective use of early
164 childhood development, education and care tools and methods;

165 (i) In setting the value of parental certificates under paragraph (f) of this subdivision and
166 payments under paragraph (h) of this subdivision, the department of social services may increase
167 the value based on the following:

168 a. The adult caretaker of the children successfully participates in the parents as teachers
169 program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program
170 provided by the department on early childhood development, education and care, the home-based
171 Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the
172 department;

173 b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant
174 to subdivision (1) of subsection 2 of section 210.152, RSMo; and

175 c. The degree of economic need of the family;

176 (j) The department of elementary and secondary education and the department of social
177 services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for
178 the implementation of the early childhood development, education and care programs as
179 provided in paragraphs (e) through (i) of this subdivision;

180 (k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
181 is promulgated under the authority delegated in paragraph (j) of this subdivision shall become
182 effective only if the agency has fully complied with all of the requirements of chapter 536,
183 RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998.
184 All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and
185 repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal
186 or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the
187 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and
188 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to
189 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held
190 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed
191 and contained in the order of rulemaking shall be invalid and void, except that nothing in this
192 act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

193 (l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of
194 this subdivision, in the gaming commission fund annually exceeds twenty-eight million dollars:
195 one-half million dollars of such proceeds shall be transferred annually, subject to appropriation,
196 to the access Missouri financial assistance fund, established pursuant to the provisions of
197 sections 173.1101 to 173.1107, RSMo; three million dollars of such proceeds shall be transferred
198 annually, subject to appropriation, to the veterans' commission capital improvement trust fund;

199 and one million dollars of such proceeds shall be transferred annually, subject to appropriation,
200 to the Missouri national guard trust fund created in section 41.214, RSMo.

201 2. Upon request by the veterans' commission, the general assembly may appropriate
202 moneys from the veterans' commission capital improvements trust fund to the Missouri national
203 guard trust fund to support the activities described in section 41.958, RSMo.

328.050. [1.] Each member of the board shall receive as compensation an amount set
2 by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall
3 be entitled to reimbursement of his expenses necessarily incurred in the discharge of his official
4 duties. [All money payable under this chapter shall be collected by the division of professional
5 registration in the department of insurance, financial institutions and professional registration
6 which shall transmit them to the department of revenue for deposit in the state treasury to the
7 credit of a "Board of Barbers Fund". Warrants shall be drawn upon the treasurer out of this fund
8 only for the payment of the salaries, office and other necessary expenses of the board. A detailed
9 statement of the expenses incurred by the board, approved by the secretary-treasurer of the board,
10 shall be filed with the commissioner of administration before warrants are drawn for their
11 payment.

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

329.240. [1.] All fees provided for in this chapter shall be payable to the director of the
2 division of professional registration in the department of economic development who shall keep
3 a record of the account showing the total payments received and shall immediately thereafter
4 transmit them to the department of revenue for deposit in the state treasury [to the credit of a
5 fund to be known as the "State Board of Cosmetology Fund". All the salaries and expenses for
6 the operation of the board shall be appropriated and paid from such fund.

7 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
8 this fund shall not be transferred and placed to the credit of general revenue until the amount in
9 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
10 board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less
11 frequently than yearly, then three times the appropriation from the board's funds for the preceding
12 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which

13 exceeds the appropriate multiple of the appropriations from the board's funds for the preceding
14 fiscal year].

537.675. 1. As used in sections 537.675 through 537.693, the following terms mean:

2 (1) "Annual claims", that period of time commencing on the first day of January of every
3 year after December 31, 2002, and ending on the last day of that calendar year;

4 (2) "Commission", the labor and industrial relations commission;

5 (3) "Division", the division of workers' compensation;

6 (4) "Initial claims period", that period commencing on August 28, 2001, and ending on
7 December 31, 2002;

8 (5) "Punitive damage final judgment", an award for punitive damages excluding interest
9 that is no longer subject to review by courts of this state or of the United States;

10 (6) "Uncompensated tort victim", a person who:

11 (a) Is a party in a personal injury or wrongful death lawsuit; or is a tort victim whose
12 claim against the tort-feasor has been settled for the policy limits of insurance covering the
13 liability of such tort-feasor and such policy limits are inadequate in light of the nature and extent
14 of damages due to the personal injury or wrongful death;

15 (b) Unless described in paragraph (a) of this subdivision:

16 a. Has obtained a final monetary judgment in that lawsuit described in paragraph (a) of
17 this subdivision against a tort-feasor for personal injuries, or wrongful death in a case in which
18 all appeals are final;

19 b. Has exercised due diligence in enforcing the judgment; and

20 c. Has not collected the full amount of the judgment;

21 (c) Is not a corporation, company, partnership or other incorporated or unincorporated
22 commercial entity;

23 (d) Is not any entity claiming a right of subrogation;

24 (e) Was not on house arrest and was not confined in any federal, state, regional, county
25 or municipal jail, prison or other correctional facility at the time he or she sustained injury from
26 the tort-feasor;

27 (f) Has not pleaded guilty to or been found guilty of two or more felonies, where such
28 two or more felonies occurred within ten years of the occurrence of the tort in question, and
29 where either of such felonies involved a controlled substance or an act of violence; and

30 (g) Is a resident of the state of Missouri or sustained personal injury or death by a tort
31 which occurred in the state of Missouri.

32 2. There is created the "Tort Victims' Compensation Fund". Unexpended moneys in the
33 fund shall not lapse at the end of the biennium as provided in section 33.080, RSMo.

34 3. Any party receiving a judgment final for purposes of appeal for punitive damages in
35 any case filed in any division of any circuit court of the state of Missouri shall notify the attorney
36 general of the state of Missouri of such award, except for actions claiming improper health care
37 pursuant to chapter 538, RSMo. The state of Missouri shall have a lien for deposit into the tort
38 victims' compensation fund to the extent of fifty percent of the punitive damage final judgment
39 which shall attach in any such case after deducting attorney's fees and expenses. In each case,
40 the attorney general shall serve a lien notice by certified mail or registered mail upon the party
41 or parties against whom the state has a claim for collection of its share of a punitive damage final
42 judgment. On a petition filed by the state, the court, on written notice to all interested parties,
43 shall adjudicate the rights of the parties and enforce the lien. The lien shall not be satisfied out
44 of any recovery until the attorney's claim for fees and expenses is paid. The state can file its lien
45 in all cases where punitive damages are awarded upon the entry of the judgment final for
46 purposes of appeal. The state cannot enforce its lien until there is a punitive damage final
47 judgment. Cases resolved by arbitration, mediation or compromise settlement prior to a punitive
48 damage final judgment are exempt from the provisions of this section. Nothing in this section
49 shall hinder or in any way affect the right or ability of the parties to any claim or lawsuit to
50 compromise or settle such claim or litigation on any terms and at any time the parties desire.

51 4. The state of Missouri shall have no interest in or right to intervene at any stage of any
52 judicial proceeding pursuant to this section, except to enforce its lien rights as provided in
53 subsection 3 of this section.

54 5. Twenty-six percent of all payments deposited into the tort victims' compensation
55 fund[,] **and** all interest accruing on the principal regardless of source or designation[, and any
56 moneys remaining in the legal services for low-income people fund as of August 28, 2008,] shall
57 be transferred to the basic civil legal services fund established in section 477.650, RSMo.
58 Moneys in the tort victims' compensation fund shall not be used to pay any portion of a refund
59 mandated by article X, section 18 of the constitution.

620.515. 1. This section shall be known and may be cited as the "Hero at Home"
2 program, the purpose of which is to:

3 (1) Assist the spouse of an active duty national guard or reserve component service
4 member reservist to address immediate needs and employment in an attempt to keep the family
5 from falling into poverty while the primary income earner is on active duty, and during the
6 one-year period following discharge from deployment; and

7 (2) Assist returning national guard troops or reserve component service member
8 reservists with finding work in situations where an individual needs to rebuild business clientele
9 or where an individual's job has been eliminated while such individual was deployed, or where
10 the individual otherwise cannot return to his or her previous employment.

11 2. Subject to appropriation, the department of economic development shall operate the
12 hero at home program through existing programs or by entering into a contract with qualified
13 providers through local workforce investment boards. Eligibility for the program shall be based
14 on the following criteria:

15 (1) Eligible participants in the program shall be those families where:

16 (a) The primary income earner was called to active duty in defense of the United States
17 for a period of more than four months;

18 (b) The family's primary income is no longer available;

19 (c) The family is experiencing significant hardship due to financial burdens; and

20 (d) The family has no outside resources available to assist with such hardships;

21 (2) Services that may be provided to the family will be aimed at ameliorating the
22 immediate crisis and providing a path for economic stability while the primary income is not
23 available due to the active military commitment. Services shall be made available up to one year
24 following discharge from deployment. Services may include, but not be limited to the following:

25 (a) Financial assistance to families facing financial crisis from overdue bills due to
26 reduced income after the deployment of a spouse;

27 (b) Help paying day care costs to pursue training and or employment;

28 (c) Help covering the costs of transportation to training and or employment;

29 (d) Vocational evaluation and vocational counseling to help the individual choose a
30 visible employment goal;

31 (e) Vocational training to acquire or upgrade skills needed to be marketable in the
32 workforce;

33 (f) Paid internships and subsidized employment to train on the job; and

34 (g) Job placement assistance for those who don't require skills training;

35 (3) The department shall ensure the eligible providers are:

36 (a) Community-based not-for-profit agencies which have significant experience in job
37 training, placement, and social services;

38 (b) Providers with extensive experience providing such services to veterans and
39 implementing contracts with veteran organizations such as the department of veteran affairs;

40 (c) Providers which have attained the distinction of being accredited through a national
41 accreditation body for training and or human services;

42 (d) Providers which are able to provide a twenty percent match to the program either
43 through indirect or direct expenditures; and

44 (e) Providers with experience in the regions targeted for the program.

45 3. The department shall structure any contract such that payment will be based on
46 delivering the services described in this section as well as performance to guarantee the greatest
47 possible effectiveness of the program.

48 4. Because of the important nature of this program to the health and welfare of
49 Missourians, this section shall become effective on July 1, 2006. The department shall make
50 every reasonable effort to ensure that the hero at home program is serving families by August 1,
51 2006.

52 [5. The department shall prepare a report on the operations and progress of the program
53 to be delivered to the speaker of the house of representatives and the president pro tem of the
54 senate no later than January 1, 2007.]

2 [21.811. 1. The joint committee on tax policy, as established in section
3 21.810, shall review and analyze the local property tax assessment practices of
4 this state. The committee shall make recommendations to the general assembly
5 regarding its findings with regard to the state's assessment practices. The
6 committee shall submit a preliminary report to the general assembly by January
7 1, 2006, and a final report by June 30, 2006.

8 2. The committee shall report to the state tax commission any concerns
9 it finds regarding the state's assessment practices as outlined under chapter 137,
10 RSMo. The state tax commission shall ensure that all counties are accurately
11 assessed, as provided by statute.]

2 [57.130. 1. The sheriffs of the several counties shall collect and account
3 for all the fines, penalties, forfeitures and other sums of money, by whatever
4 name designated, accruing to the state or any county by virtue of any order,
5 judgment or decree of a court of record, provided that by court rule provision may
6 be made for a court clerk to collect fines, penalties, forfeitures and other sums of
7 money accruing to the state by virtue of any order, judgment or decree of the
8 court.

9 2. The provisions of this section shall expire and be of no force and effect
10 on and after July 1, 2007.]

2 [71.970. 1. Municipalities may own and operate cable television
3 facilities on a nondiscriminatory, competitively neutral basis, and at a price which
4 covers costs, including imputed costs that the political subdivision would incur
5 if it were a for-profit business. No municipality may own or operate cable
6 television facilities and services unless approved by a vote of the people. This
7 section shall apply only to municipalities that acquire or construct cable
8 television facilities and services after August 28, 2002.

9 2. The public service commission shall annually study the economic
10 impact of the provisions of this section and prepare and submit a report to the
general assembly by December thirty-first of each year.

11 3. The provisions of this section shall terminate on August 28, 2007.]

12

2 [99.799. 1. The joint committee on tax policy shall conduct a study of
3 the feasibility of creating a program to allow municipalities within the state to
4 engage in tax increment finance-like projects with optional tax abatement in any
5 area of such municipality regardless of the existence of blight. The committee
6 shall report its findings to the general assembly no later than December 31, 2007.

7 2. The provisions of this section shall expire on January 1, 2008.]

8

9 [165.016. 1. A school district shall expend as a percentage of current
10 operating cost, for tuition, teacher retirement and compensation of certificated
11 staff, a percentage that is for the 1994-95 and 1995-96 school years no less than
12 three percentage points less than the base school year certificated salary
13 percentage and for the 1996-97 school year, no less than two percentage points
14 less than the base school year certificated salary percentage. A school district
15 may exclude transportation and school safety and security expenditures from the
16 current operating cost calculation of the base year and the year or years for which
17 the compliance percentage is calculated. The base school year certificated salary
18 percentage shall be the two-year average percentage of the 1991-92 and 1992-93
19 school years except as otherwise established by the state board under subsection
20 4 of this section; except that, for any school district experiencing, over a period
21 of three consecutive years, an average yearly increase in average daily attendance
22 of at least three percent, the base school year certificated salary percentage may
23 be the two-year average percentage of the last two years of such period of three
24 consecutive years, at the discretion of the school district.

25 2. Beginning with the 1997-98 school year, a school district shall:

26 (1) Expend, as a percentage of current operating cost, as determined in
27 subsection 1 of this section, for tuition, teacher retirement and compensation of
28 certificated staff, a percentage that is no less than two percentage points less than
29 the base school year certificated salary percentage; or

30 (2) For any year in which no payment of a penalty is required for the
31 district under subsection 6 of this section, have an unrestricted fund balance in
32 the combined incidental and teachers' funds on June thirtieth which is equal to or
33 less than ten percent of the combined expenditures for the year from those funds.

34 3. Beginning with the 1999-00 school year:

 (1) As used in this subsection, "fiscal instructional ratio of efficiency" or
"FIRE" means the quotient of the sum of the district's current operating costs,
which for this section shall mean all expenditures for instruction and support
services, excluding capital outlay and debt service expenditures less the revenue
from federal categorical sources, food service, student activities, and payments
from other districts, for all kindergarten through grade twelve direct instructional
and direct pupil support service functions plus the costs of improvement of
instruction and the cost of purchased services and supplies for operation of the

35 facilities housing those programs, and excluding student activities, divided by the
36 sum of the district's current operating cost, as defined in this subdivision, for
37 kindergarten through grade twelve, plus all tuition revenue received from other
38 districts minus all noncapital transportation and school safety and security costs;

39 (2) A school district shall show compliance with this section in school
40 year 1998-99 and thereafter by the method described in subsections 1 and 2 of
41 this section, or by maintaining or increasing its fiscal instructional ratio of
42 efficiency compared to its FIRE for the 1997-98 base year.

43 4. (1) The state board of education may exempt a school district from the
44 requirements of this section upon receiving a request for an exemption by a
45 school district. The request shall show the reason or reasons for the
46 noncompliance, and the exemption shall apply for only one school year.
47 Requests for exemptions under this subdivision may be resubmitted in
48 succeeding years.

49 (2) A school district may request of the state board a one-time, permanent
50 revision of the base school year certificated salary percentage. The request shall
51 show the reason or reasons for the revision.

52 5. Any school district requesting an exemption or revision under
53 subsection 4 of this section must notify the certified staff of the district in writing
54 of the district's intent. Prior to granting an exemption or revision, the state board
55 shall consider comments from certified staff of the district. The state board
56 decision shall be final.

57 6. Any school district which is determined by the department to be in
58 violation of the requirements of subsection 1 or 2 of this section, or both, shall
59 compensate the building-level administrative staff and nonadministrative
60 certificated staff during the year following the notice of violation by an additional
61 amount which is equal to one hundred ten percent of the amount necessary to
62 bring the district into compliance with this section for the year of violation. In
63 any year in which a penalty is paid, the district shall pay the penalty specified in
64 this subsection in addition to the amount required under this section for the
65 current school year.

66 7. Any additional transfers from the teachers' or incidental fund to the
67 capital projects fund beyond the transfers authorized by state law and state board
68 policy in effect on January 1, 1996, shall be considered expenditures from the
69 teachers' or incidental fund for the purpose of determining compliance with the
70 provisions of subsections 1, 2 and 3 of this section.

71 8. The provisions of this section shall not apply to any district wherein
72 the local effort is greater than its weighted average daily attendance multiplied
73 by the state adequacy target multiplied by the dollar value modifier under section
74 163.031, RSMo.

75 9. The provisions of subsections 1 to 8 of this section shall not apply to
76 any district that has unrestricted fund balances in the combined incidental and
77 teacher funds on June thirtieth of the preceding year which are equal to or less

78 than seventeen percent of the combined expenditure for the preceding year from
79 these funds in any year in which state funds distributed pursuant to subsections
80 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such
81 state funds distributed in fiscal year 2002.

82 10. The provisions of subsections 1 to 8 of this section shall not apply to
83 any district which meets the following criteria:

84 (1) With ten percent or more of its assessed valuation that is owned by
85 one person or corporation as commercial or personal property who is delinquent
86 in a property tax payment;

87 (2) With unrestricted fund balances in the combined incidental and
88 teacher funds on June thirtieth of the preceding year which are equal to or less
89 than one-half of the local property tax revenue for the previous year; and

90 (3) In any year in which state funds distributed pursuant to subsections
91 1 and 2 of section 163.031, RSMo, are no more than ninety-six percent of such
92 state funds distributed in fiscal year 2002.

93 11. The provisions of this section shall terminate on June 30, 2007.]
94

2 [165.018. 1. Any school district shall be permitted to make a one-time
3 additional transfer from the incidental fund to the capital projects fund in an
4 amount not to exceed forty percent of that district's June 30, 2006, incidental fund
5 if such school district meets one of the following qualifications:

6 (1) Has an average daily attendance between nine hundred forty and one
7 thousand forty during the 2004-2005 school year, located at least partially in a
8 county of the third classification with a township form of government and with
9 more than twenty-nine thousand seven hundred but fewer than twenty-nine
10 thousand eight hundred inhabitants and which entirely encompasses a city of the
11 fourth classification with more than one thousand one hundred but fewer than one
12 thousand two hundred inhabitants; or

13 (2) Has an average daily attendance between six hundred and six hundred
14 thirty during the 2004-2005 school year, located at least partially in any county
15 of the second classification with more than fifty-five thousand six hundred but
16 fewer than fifty-five thousand seven hundred inhabitants; or

17 (3) Has an average daily attendance between four hundred sixty and four
18 hundred ninety during the 2004-2005 school year, located at least partially in any
19 county of the third classification without a township form of government and
20 with more than twenty-three thousand two hundred fifty but fewer than
21 twenty-three thousand three hundred fifty inhabitants; or

22 (4) Has an average daily attendance between one thousand four hundred
23 and one thousand five hundred during the 2004-2005 school year and is located
24 entirely within a county of the third classification without a township form of
25 government and with more than twenty thousand but fewer than twenty thousand
26 one hundred inhabitants.

2. The provisions of this section shall terminate on July 1, 2007.]

2 [192.375. 1. There is hereby established within the department of health
3 and senior services the "Missouri Senior Advocacy and Efficiency Commission".
4 The commission shall consist of the following fifteen members, or their
5 designees, who are residents of this state:

6 (1) The director of the department of health and senior services;
7 (2) Two members of the Missouri senate, appointed by the president pro
8 tem of the senate;

9 (3) Two members of the Missouri house of representatives, appointed by
10 the speaker of the house;

11 (4) A pharmacist licensed in the state of Missouri, recommended by the
12 Missouri board of pharmacy and appointed by the governor;

13 (5) A representative of the Pharmaceutical Research and Manufacturers
14 of America, appointed by the governor;

15 (6) One member of the Missouri silver-haired legislature, appointed by
16 the governor;

17 (7) One member of the Missouri senior Rx commission, appointed by the
18 governor;

19 (8) One representative from the assisted living community who currently
20 serves on the personal independence commission, appointed by the governor;

21 (9) One representative of the Missouri area agency on aging, appointed
22 by the governor;

23 (10) One member of the special health, psychological, and social needs
24 of minority older individuals commission;

25 (11) One member of the governor's advisory council on aging, appointed
26 by the governor;

27 (12) The lieutenant governor, who shall serve as chair of the commission;
28 and

29 (13) One member from the Missouri council for in-home services,
30 appointed by the governor. In making the initial appointment to the committee,
31 the governor, president pro tem, and speaker shall stagger the terms of the
32 appointees so that five members serve an initial term of one year, five members
33 serve initial terms of two years and five members serve initial terms of three
34 years. All members appointed thereafter shall serve three-year terms. All
35 members shall be eligible for reappointment. Members of the commission shall
36 be appointed by October 1, 2005. Members shall continue to serve until their
37 successor is appointed and qualified. Any vacancy on the commission shall be
38 filled in the same manner as the original appointment. The commission shall be
39 dissolved on December 31, 2008.

40 2. Service on the commission shall be voluntary. Subject to
41 appropriations, members of the commission shall receive with reasonable
42 reimbursement for expenses actually incurred in the performance of the member's
official duties for members who are not employees of the state of Missouri.

43 3. Subject to appropriations, the department of health and senior services
44 shall provide administrative support and resources as is necessary for the
45 effective operation of the commission.

46 4. Meetings shall be held at least every ninety days or at the call of the
47 commission chair.

48 5. The senior advocacy and efficiency commission shall:

49 (1) Hold public hearings in accordance with chapter 536, RSMo, to
50 gather information from any state agency, commission, or public entity on issues
51 pertaining to the quality and efficiency of all senior services offered by the state
52 of Missouri;

53 (2) Analyze state statutes, commissions, and administrative rules
54 regarding services offered by the state of Missouri for senior citizens and
55 designate which programs provide effective and efficient support to seniors and
56 the programs that lack quality;

57 (3) Establish a mechanism to educate the staff of the members of the
58 Missouri general assembly to assist seniors, including but not limited to assisting
59 seniors in applying for any and all prescription drug assistance offered under the
60 federal Medicare Prescription Drug Modernization Act of 2003;

61 (4) Develop a plan that delays the need for the provisions of long-term
62 care outside the residence of senior citizens and allows seniors to remain at home
63 for as long as possible;

64 (5) Maintain a web site with detailed information regarding all programs
65 and services offered by the state of Missouri which are available to seniors;

66 (6) Maintain a toll-free senior advocacy support telephone number which
67 directs seniors to all services offered by the state of Missouri which are available
68 to seniors;

69 (7) Submit an annual report on the activities of the commission to the
70 director of the department of health and senior services, the members of the
71 Missouri general assembly, and the governor by February 1, 2007, and every
72 February first thereafter. Such report shall include, but not be limited to, the
73 following:

74 (a) Efficiencies that can be realized by consolidation of senior services
75 offered by Missouri;

76 (b) Effectiveness of all senior services, programs, and commissions
77 offered by the state of Missouri;

78 (c) Information regarding the impact and effectiveness of prior
79 recommendations, if any, that have been implemented; and

80 (d) Measurable data to identify the cost-effectiveness of the services,
81 programs, and commissions evaluated.

82 6. Unless reauthorized, the provisions of this section shall sunset on
83 December 31, 2008.]
84

2 [208.344. 1. By December 1, 2002, and annually thereafter, the division
3 of family services shall submit a report to the governor, the president pro tempore
4 of the senate, and the speaker of the house of representatives regarding the
5 progress of welfare reform in Missouri. The report shall include, but not be
6 limited to, current statistics and recommendations regarding:

7 (1) Individuals who have successfully left welfare and employment of
8 such individuals;

9 (2) Individuals who remain on or have returned to welfare; and

10 (3) Benefits of welfare reform realized by families, employers, and the
11 state.

12 2. The provisions of this section shall expire on December 31, 2007.]

2 [217.860. 1. There is hereby created within the department of corrections
3 a "Task Force on Alternative Sentencing". The primary duty of the task force is
4 to develop a statewide plan for alternative sentencing programs. The plan shall
5 include, but not be limited to, the following:

6 (1) Public-private partnerships;

7 (2) Job training;

8 (3) Job placement;

9 (4) Conflict resolution treatment; and

10 (5) Alcohol and drug rehabilitation.

11 2. In developing this statewide plan the task force shall at a minimum
12 acquire and review the following information:

13 (1) The cost per year to incarcerate one offender;

14 (2) The cost of the proposed alternative sentencing program or programs
15 per year;

16 (3) The recidivism rate for different types of offenses; and

17 (4) Information and research to assist the task force in determining which
18 classes of offenders should be targeted in alternative sentencing programs.

19 3. The task force created in this section shall be comprised of the
20 following members or their designees from the entity represented:

21 (1) The director;

22 (2) The director of the division of probation and parole;

23 (3) Two probation and parole officers or supervisors, who shall be
24 appointed by the director of the division of probation and parole;

25 (4) One member of the department of economic development's workforce
26 development office who shall be appointed by the director of the department of
27 economic development;

28 (5) Two circuit or associate circuit judges who shall be appointed by the
29 governor;

30 (6) Two chief executive officers of two different private businesses that
31 employ a minimum of twenty employees each who shall be appointed by the
governor;

32 (7) Two prosecuting attorneys who shall be appointed by the governor;

33 (8) Two members of the house of representatives, one of whom shall be
34 appointed by the speaker of the house and one of whom shall be appointed by the
35 house minority leader; and

36 (9) Two members of the senate, one of whom shall be appointed by the
37 president pro tem of the senate and one of whom shall be appointed by the senate
38 minority leader.

39 4. The task force shall meet at least quarterly and shall submit its
40 recommendations and statewide plan for an alternative sentencing program or
41 programs to the governor, to the general assembly, and to the director by
42 December 31, 2006.

43 5. Members of the task force shall receive no additional compensation
44 but shall be eligible for reimbursement for mileage directly related to the
45 performance of task force duties.

46 6. The provisions of this section terminate on May 31, 2007.]

47

2 [303.400. The provisions of sections 303.400 to 303.415 shall be known
3 as the "Motorist Insurance Identification Database Act".]

3

2 [303.403. As used in sections 303.400 to 303.415, the following terms
3 mean:

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2 [303.406. 1. The "Motorist Insurance Identification Database" is hereby
3 created for the purpose of establishing a database to use to verify compliance
4 with the motor vehicle financial responsibility requirements of this chapter. The
5 program shall be administered by the department and shall receive funding from
6 the "Motorist Insurance Identification Database Fund", which is hereby created
7 in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and
8 deposit in the motorist insurance identification database fund six percent of the
9 net general revenue portion received from collections of the insurance premiums
10 tax levied and collected pursuant to sections 148.310 to 148.461, RSMo.

11 2. To implement the program, the department may by July 1, 2002,
12 contract with a designated agent which shall monitor compliance with the motor
13 vehicle financial responsibility requirements of this chapter, except that the
14 program shall not be implemented to notify owners of registered motor vehicles
15 until the department certifies that the accuracy rate of the program exceeds
16 ninety-five percent in correctly identifying owners of registered motor vehicles
as having maintained or failed to maintain financial responsibility. After the

17 department has entered into a contract with a designated agent, the department
18 shall convene a working group for the purpose of facilitating the implementation
19 of the program.

20 3. The designated agent, using its own computer network, shall, no later
21 than December 31, 2002, develop, deliver and maintain a computer database with
22 information provided by:

23 (1) Insurers, pursuant to sections 303.400 to 303.415; except that, any
24 person who qualifies as self-insured pursuant to this chapter, or provides proof
25 of insurance to the director pursuant to the provisions of section 303.160, shall
26 not be required to provide information to the designated agent, but the state shall
27 supply these records to the designated agent for inclusion in the database; and

28 (2) The department, which shall provide the designated agent with the
29 name, date of birth and address of all persons in its computer database, and the
30 make, year and vehicle identification number of all registered motor vehicles.

31 4. The department shall establish guidelines for the designated agent's
32 development of the computer database so the database can be easily accessed by
33 state and local law enforcement agencies within procedures already established,
34 and shall not require additional computer keystrokes or other additional
35 procedures by dispatch or law enforcement personnel. Once the database is
36 operational, the designated agent shall, at least monthly, update the database with
37 information provided by insurers and the department, and compare then-current
38 motor vehicle registrations against the database.

39 5. Information provided to the designated agent by insurers and the
40 department for inclusion in the database established pursuant to this section is the
41 property of the insurer or the department, as the case may be, and is not subject
42 to disclosure pursuant to chapter 610, RSMo. Such information may not be
43 disclosed except as follows:

44 (1) The designated agent shall verify a person's insurance coverage upon
45 request by any state or local government agency investigating, litigating or
46 enforcing such person's compliance with the motor vehicle financial
47 responsibility requirements of this chapter;

48 (2) The department shall disclose whether an individual is maintaining
49 the required insurance coverage upon request of the following individuals and
50 agencies only:

51 (a) The individual;

52 (b) The parent or legal guardian of an individual if the individual is an
53 unemancipated minor;

54 (c) The legal guardian of the individual if the individual is legally
55 incapacitated;

56 (d) Any person who has power of attorney from the individual;

57 (e) Any person who submits a notarized release from the individual that
58 is dated no more than ninety days before the request is made;

59 (f) Any person claiming loss or injury in a motor vehicle accident in
60 which the individual is involved;

61 (g) The office of the state auditor, for the purpose of conducting any audit
62 authorized by law.

63 6. Any person or agency who knowingly discloses information from the
64 database for any purpose, or to a person, other than those authorized in this
65 section is guilty of a class A misdemeanor. The state shall not be liable to any
66 person for gathering, managing or using information in the database pursuant to
67 this section. The designated agent shall not be liable to any person for
68 performing its duties pursuant to this section unless and to the extent such agent
69 commits a willful and wanton act or omission or is negligent. The designated
70 agent shall be liable to any insurer damaged by the designated agent's negligent
71 failure to protect the confidentiality of the information and data disclosed by the
72 insurer to the designated agent. The designated agent shall provide to this state
73 an errors and omissions insurance policy covering such agent in an appropriate
74 amount. No insurer shall be liable to any person for performing its duties
75 pursuant to this section unless and to the extent the insurer commits a willful and
76 wanton act of omission.

77 7. The department shall review the operation and performance of the
78 motorist insurance identification database program to determine whether the
79 number of uninsured motorists has declined during the first three years following
80 implementation and shall submit a report of its findings to the general assembly
81 no later than January fifteenth of the year following the third complete year of
82 implementation. The department shall make copies of its report available to each
83 member of the general assembly.

84 8. This section shall not supersede other actions or penalties that may be
85 taken or imposed for violation of the motor vehicle financial responsibility
86 requirements of this chapter.

87 9. The working group as provided for in subsection 2 of this section shall
88 consist of representatives from the insurance industry, department of insurance,
89 financial institutions and professional registration, department of public safety
90 and the department of revenue. The director of revenue, after consultation with
91 the working group, shall promulgate any rules and regulations necessary to
92 administer and enforce this section. No rule or portion of a rule promulgated
93 pursuant to the authority of this section shall become effective unless it has been
94 promulgated pursuant to the provisions of chapter 536, RSMo.]

95

2 [303.409. 1. If the motorist insurance identification database indicates
3 the owner of a registered motor vehicle has, regardless of the owner's operation
4 of such motor vehicle, failed to maintain the financial responsibility required in
5 section 303.025 for two consecutive months, the designated agent shall on behalf
6 of the director inform the owner that the director will suspend the owner's vehicle
registration if the owner does not present proof of insurance as prescribed by the

7 director within thirty days from the date of mailing. The designated agent shall
8 not select owners of fleet or rental vehicles or vehicles that are insured pursuant
9 to a commercial line policy for notification to determine motor vehicle liability
10 coverage. The director may prescribe rules and regulations necessary for the
11 implementation of this subsection. The notice issued to the vehicle owner by the
12 designated agent shall be sent to the last known address shown on the
13 department's records. The notice is deemed received three days after mailing.
14 The notice of suspension shall clearly specify the reason and statutory grounds
15 for the suspension and the effective date of the suspension, the right of the person
16 to request a hearing, the procedure for requesting a hearing and the date by which
17 that request for a hearing must be made. The suspension shall become effective
18 thirty days after the subject person is deemed to have received the notice of
19 suspension by first class mail as provided in section 303.041. If the request for
20 a hearing is received prior to the effective date of the suspension, the effective
21 date of the suspension will be stayed until a final order is issued following the
22 hearing; however, any delay in the hearing which is caused or requested by the
23 subject person or counsel representing that person without good cause shown
24 shall not result in a stay of the suspension during the period of delay.

25 2. Neither the fact that, subsequent to the date of verification, the owner
26 acquired the required liability insurance policy nor the fact that the owner
27 terminated ownership of the motor vehicle shall have any bearing upon the
28 director's decision to suspend. The suspension shall remain in force until
29 termination despite the renewal of registration or acquisition of a new registration
30 for the motor vehicle. The suspension shall also apply to any motor vehicle to
31 which the owner transfers the registration.

32 3. Upon receipt of notification from the designated agent, the director
33 shall suspend the owner's vehicle registration effective immediately. The
34 suspension period shall be as follows:

35 (1) If the person's record shows no prior violation, the director shall
36 terminate the suspension upon payment of a reinstatement fee of twenty dollars
37 and submission of proof of insurance, as prescribed by the director;

38 (2) If the person's record shows one prior violation for failure to maintain
39 financial responsibility within the immediately preceding two years, the director
40 shall terminate the suspension ninety days after its effective date upon payment
41 of a reinstatement fee of two hundred dollars and submission of proof of
42 insurance, as prescribed by the director;

43 (3) If the person's record shows two or more prior violations for failure
44 to maintain financial responsibility, the period of suspension shall terminate one
45 year after its effective date upon payment of a reinstatement fee of four hundred
46 dollars and submission of proof of insurance, as prescribed by the director.

47 4. In the event that proof of insurance as prescribed by the director has
48 not been filed with the department of revenue in accordance with this chapter
49 prior to the end of the period of suspension provided in this section, such period

50 of suspension shall be extended until such proof of insurance has been filed. In
 51 no event shall filing proof of insurance reduce any period of suspension. If proof
 52 of insurance is not maintained during the three-year period following the
 53 reinstatement or termination of the suspension, the director shall again suspend
 54 the license and motor vehicle registration until proof of insurance is filed or the
 55 three-year period has elapsed. In no event shall filing proof of insurance reduce
 56 any period of suspension.

57 5. Notwithstanding the provisions of subsection 1 of this section, the
 58 director shall not suspend the registration or registrations of any owner who
 59 establishes to the satisfaction of the director that the owner's motor vehicle was
 60 inoperable or being stored and not operated on the date proof of financial
 61 responsibility is required by the director.]
 62

2 [303.412. 1. Beginning March 1, 2003, before the seventh working date
 3 of each calendar month, all licensed insurance companies in this state shall
 4 provide to the designated agent a record of all policies in effect on the last day of
 5 the preceding month. This subsection shall not prohibit more frequent reporting.

6 2. The record pursuant to subsection 1 of this section shall include the
 7 following:

8 (1) The name, date of birth, driver's license number and address of each
 9 insured;

10 (2) The make, year and vehicle identification number of each insured
 11 motor vehicle;

12 (3) The policy number and effective date of the policy.

13 3. The department of revenue shall notify the department of insurance,
 14 financial institutions and professional registration of any insurer who violates any
 15 provisions of this act. The department of insurance, financial institutions and
 16 professional registration may, against any insurer who fails to comply with this
 17 section, assess a fine not greater than one thousand dollars per day of
 18 noncompliance. The department of revenue may assess a fine not greater than
 19 one thousand dollars per day against the designated agent for failure to complete
 20 the project by the dates designated in sections 303.400 to 303.415 unless the
 21 delay is deemed beyond the control of the designated agent or the designated
 22 agent provides acceptable proof that such a noncompliance was inadvertent,
 23 accidental or the result of excusable neglect. The department of insurance,
 24 financial institutions and professional registration shall excuse the fine against
 25 any insurer if an assessed insurer provides acceptable proof that such insurer's
 26 noncompliance was inadvertent, accidental or the result of excusable neglect.]

2 [303.415. 1. Sections 303.400 and 303.403 shall become effective on
 3 July 1, 2002, and shall expire on June 30, 2007.

4 2. The enactment of section 303.025, and the repeal and reenactment of
 sections 303.406, 303.409, 303.412 and 303.415 shall become effective July 1,

5 2002 and sections 303.406, 303.409 and 303.412 shall expire on June 30, 2007.]

6
7 [307.367. Prior to September 1, 2007, but no earlier than August 1, 2007,
8 all moneys held in the Missouri air pollution control fund established under
9 section 307.366 shall be transferred, as deemed necessary by the state treasurer
10 and commissioner of administration, to the Missouri air emission reduction fund
11 established in section 643.350, RSMo, to be used for the purposes of
12 administering and enforcing the provisions of sections 643.300 to 643.355,
RSMo. Prior to such date, any of the moneys in the Missouri air pollution
control fund that are needed to pay any outstanding debt of the Missouri air
pollution control fund, as determined by the state treasurer, shall be exempted
from the provisions of this section. The Missouri air pollution control fund shall
be officially abolished on September 1, 2007.]

2 [374.208. The director shall study and recommend to the general
3 assembly changes to avoid unnecessary duplication of market conduct activities
4 and to implement uniform processes and procedures for market analysis and
5 market conduct examinations which will more effectively utilize resources to
6 protect insurance consumers. The study shall be completed and
7 recommendations provided by January 1, 2008.]

2 [376.671. 1. This section shall not apply to any reinsurance, group
3 annuity purchased under a retirement plan or plan of deferred compensation
4 established or maintained by an employer (including a partnership or sole
5 proprietorship) or by an employee organization, or by both, other than a plan
6 providing individual retirement accounts or individual retirement annuities under
7 Section 408 of the Internal Revenue Code, as now or hereafter amended,
8 premium deposit fund, variable annuity, investment annuity, immediate annuity,
9 any deferred annuity contract after annuity payments have commenced, or
10 reversionary annuity, nor to any contract which shall be delivered outside this
11 state through an agent or other representative of the company issuing the contract.

12 2. In the case of contracts issued on or after the operative date of this
13 section as defined in subsection 11 of this section, no contract of annuity, except
14 as stated in subsection 1 of this section, shall be delivered or issued for delivery
15 in this state unless it contains in substance the following provisions, or
16 corresponding provisions which in the opinion of the director are at least as
17 favorable to the contractholder, upon cessation of payment of considerations
under the contract:

18 (1) That upon cessation of payment of considerations under a contract,
19 the company will grant a paid-up annuity benefit on a plan stipulated in the
20 contract of such value as is specified in subsections 4, 5, 6, 7, and 9 of this
21 section;

22 (2) If a contract provides for a lump sum settlement at maturity, or at any
23 other time, that upon surrender of the contract at or prior to the commencement
24 of any annuity payments, the company will pay in lieu of any paid-up annuity
25 benefit a cash surrender benefit of such amount as is specified in subsections 4,
26 5, 7, and 9 of this section. The company shall reserve the right to defer the
27 payment of such cash surrender benefit for a period of six months after demand
28 therefor with surrender of the contract;

29 (3) A statement of the mortality table, if any, and interest rates used in
30 calculating any minimum paid-up annuity, cash surrender or death benefits that
31 are guaranteed under the contract, together with sufficient information to
32 determine the amounts of such benefits;

33 (4) A statement that any paid-up annuity, cash surrender or death benefits
34 that may be available under the contract are not less than the minimum benefits
35 required by any statute of the state in which the contract is delivered and an
36 explanation of the manner in which such benefits are altered by the existence of
37 any additional amounts credited by the company to the contract, any indebtedness
38 to the company on the contract or any prior withdrawals from or partial
39 surrenders of the contract. Notwithstanding the requirements of this section, any
40 deferred annuity contract may provide that if no considerations have been
41 received under a contract for a period of two full years and the portion of the
42 paid-up annuity benefit at maturity on the plan stipulated in the contract arising
43 from considerations paid prior to such period would be less than twenty dollars
44 monthly, the company may at its option terminate such contract by payment in
45 cash of the then present value of such portion of the paid-up annuity benefit,
46 calculated on the basis of the mortality table, if any, and interest rate specified in
47 the contract for determining the paid-up annuity benefit, and by such payment
48 shall be relieved of any further obligation under such contract.

49 3. The minimum values as specified in subsections 4, 5, 6, 7, and 9 of
50 this section of any paid-up annuity, cash surrender or death benefits available
51 under an annuity contract shall be based upon minimum nonforfeiture amounts
52 as defined in this section.

53 (1) With respect to contracts providing for flexible considerations, the
54 minimum nonforfeiture amount at any time at or prior to the commencement of
55 any annuity payment shall be equal to an accumulation up to such time at a rate
56 of interest of three percent per annum of percentages of the net considerations (as
57 hereinafter defined) paid prior to such time, decreased by the sum of:

58 (a) Any prior withdrawals from or partial surrenders of the contract
59 accumulated at a rate of interest of three percent per annum; and

60 (b) The amount of any indebtedness to the company on the contract,
61 including interest due and accrued and increased by any existing additional
62 amounts credited by the company to the contract. The net considerations for a
63 given contract year used to define the minimum nonforfeiture amount shall be an
64 amount not less than zero and shall be equal to the corresponding gross

65 considerations credited to the contract during that contract year less an annual
66 contract charge of thirty dollars and less a collection charge of one dollar and
67 twenty-five cents per consideration credited to the contract during that contract
68 year. The percentages of net considerations shall be sixty-five percent of the net
69 consideration for the first contract year and eighty-seven and one-half percent of
70 the net considerations for the second and later contract years. Notwithstanding
71 the provisions of the preceding sentence, the percentage shall be sixty-five
72 percent of the portion of the total net consideration for any renewal contract year
73 which exceeds by not more than two times the sum of those portions of the net
74 considerations in all prior contract years for which the percentage was sixty-five
75 percent;

76 (2) With respect to contracts providing for fixed scheduled
77 considerations, minimum nonforfeiture amounts shall be calculated on the
78 assumption that considerations are paid annually in advance and shall be defined
79 as for contracts with flexible considerations which are paid annually with two
80 exceptions:

81 (a) The portion of the net consideration for the first contract year to be
82 accumulated shall be the sum of sixty-five percent of the net consideration for the
83 first contract year plus twenty-two and one-half percent of the excess of the net
84 consideration for the first contract year over the lesser of the net considerations
85 for the second and third contract years;

86 (b) The annual contract charge shall be the lesser of thirty dollars or ten
87 percent of the gross annual consideration;

88 (3) With respect to contracts providing for a single consideration,
89 minimum nonforfeiture amounts shall be defined as for contracts with flexible
90 considerations except that the percentage of net consideration used to determine
91 the minimum nonforfeiture amount shall be equal to ninety percent, and the net
92 consideration shall be the gross consideration less a contract charge of
93 seventy-five dollars;

94 (4) Notwithstanding any other provision of this subsection, for any
95 contract issued on or after July 1, 2002, and before July 1, 2006, the interest rate
96 at which net considerations, prior withdrawals, and partial surrenders shall be
97 accumulated, for the purpose of determining minimum nonforfeiture amounts,
98 shall be one and one-half percent per annum.

99 4. Any paid-up annuity benefit available under a contract shall be such
100 that its present value on the date annuity payments are to commence is at least
101 equal to the minimum nonforfeiture amount on that date. Such present value
102 shall be computed using the mortality table, if any, and the interest rate specified
103 in the contract for determining the minimum paid-up annuity benefits guaranteed
104 in the contract.

105 5. For contracts which provide cash surrender benefits, such cash
106 surrender benefits available prior to maturity shall not be less than the present
107 value as of the date of surrender of that portion of the maturity value of the

108 paid-up annuity benefit which would be provided under the contract at maturity
109 arising from considerations paid prior to the time of cash surrender reduced by
110 the amount appropriate to reflect any prior withdrawals from or partial surrenders
111 of the contract, such present value being calculated on the basis of an interest rate
112 not more than one percent higher than the interest rate specified in the contract
113 for accumulating the net considerations to determine such maturity value,
114 decreased by the amount of any indebtedness to the company on the contract,
115 including interest due and accrued, and increased by any existing additional
116 amounts credited by the company to the contract. In no event shall any cash
117 surrender benefit be less than the minimum nonforfeiture amount at that time.
118 The death benefit under such contracts shall be at least equal to the cash
119 surrender benefit.

120 6. For contracts which do not provide cash surrender benefits, the present
121 value of any paid-up annuity benefit available as a nonforfeiture option at any
122 time prior to maturity shall not be less than the present value of that portion of the
123 maturity value of the paid-up annuity benefit provided under the contract arising
124 from considerations paid prior to the time the contract is surrendered in exchange
125 for, or changed to, a deferred paid-up annuity, such present value being calculated
126 for the period prior to the maturity date on the basis of the interest rate specified
127 in the contract for accumulating the net considerations to determine such maturity
128 value, and increased by any existing additional amounts credited by the company
129 to the contract. For contracts which do not provide any death benefits prior to the
130 commencement of any annuity payments, such present values shall be calculated
131 on the basis of such interest rate and the mortality table specified in the contract
132 for determining the maturity value of the paid-up annuity benefit. However, in
133 no event shall the present value of a paid-up annuity benefit be less than the
134 minimum nonforfeiture amount at that time.

135 7. For the purpose of determining the benefits calculated under
136 subsections 5 and 6 of this section, in the case of annuity contracts under which
137 an election may be made to have annuity payments commence at optional
138 maturity date, the maturity date shall be deemed to be the latest date for which
139 election shall be permitted by the contract, but shall not be deemed to be later
140 than the anniversary of the contract next following the annuitant's seventieth
141 birthday or the tenth anniversary of the contract, whichever is later.

142 8. Any contract which does not provide cash surrender benefits or does
143 not provide death benefits at least equal to the minimum nonforfeiture amount
144 prior to the commencement of any annuity payments shall include a statement in
145 a prominent place in the contract that such benefits are not provided.

146 9. Any paid-up annuity, cash surrender or death benefits available at any
147 time, other than on the contract anniversary under any contract with fixed
148 scheduled considerations, shall be calculated with allowance for the lapse of time
149 and the payment of any scheduled considerations beyond the beginning of the

150 contract year in which cessation of payment of considerations under the contract
151 occurs.

152 10. For any contract which provides, within the same contract by rider
153 or supplemental contract provision, both annuity benefits and life insurance
154 benefits that are in excess of the greater of cash surrender benefits or a return of
155 the gross considerations with interest, the minimum nonforfeiture benefits shall
156 be equal to the sum of the minimum nonforfeiture benefits for the annuity portion
157 and the minimum nonforfeiture benefits, if any, for the life insurance portion
158 computed as if each portion were a separate contract. Notwithstanding the
159 provisions of subsections 4, 5, 6, 7, and 9 of this section, additional benefits
160 payable in the event of total and permanent disability, as reversionary annuity or
161 deferred reversionary annuity benefits, or as other policy benefits additional to
162 life insurance, endowment and annuity benefits, and considerations for all such
163 additional benefits, shall be disregarded in ascertaining the minimum
164 nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that
165 may be required by this section. The inclusion of such additional benefits shall
166 not be required in any paid-up benefits, unless such additional benefits separately
167 would require minimum nonforfeiture amounts, paid-up annuity, cash surrender
168 and death benefits.

169 11. After September 28, 1979, any company may file with the director
170 a written notice of its election to comply with the provisions of this section after
171 a specified date before September 28, 1981. After the filing of such notice, then
172 upon such specified date, which shall be the operative date of this section for
173 such company, this section shall become operative with respect to annuity
174 contracts thereafter issued by such company. If a company makes no such
175 election, the operative date of this section for such company shall be September
176 28, 1981.

177 12. The provisions of this section shall expire on July 1, 2006.]

178

2 [376.990. The board of directors of the state health insurance pool is
3 hereby directed to conduct a study regarding the financing of the state health
4 insurance pool. Such study shall include, but not be limited to, research and
5 findings of how other states finance their state high-risk pools. The study shall
6 consider alternative assessment approaches to the current assessment method
7 employed in section 376.975. In addition to studying alternative financing
8 mechanisms employed by other state high-risk pools, the board shall explore the
9 ramifications of eliminating or reducing a carrier's ability to offset their
10 assessments against their premium tax liability. The polestar of the study shall
11 be establishing a stable funding source for the Missouri state health insurance
12 pool while providing adequate health insurance coverage to Missouri's
13 uninsurable population. The board of directors of the state health insurance pool
14 shall submit a report of its findings and recommendations to each member of the
general assembly no later than January 1, 2008.]

