

SECOND REGULAR SESSION

# HOUSE BILL NO. 2433

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHLOTTACH (Sponsor), KELLY,  
SATER AND ICET (Co-sponsors).

5493L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 37, RSMo, by adding thereto one new section relating to state agency fees.

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

Section A. Chapter 37, RSMo, is amended by adding thereto one new section, to be  
2 known as section 37.1000, to read as follows:

**37.1000. 1. Prior to December 31, 2010, each state department and agency shall  
2 review all fees imposed for services and licensing fees to determine whether the current fees  
3 are sufficient to cover the actual costs incurred by the state in providing such fee services  
4 and licensing. The office of administration shall be responsible for implementation and  
5 administration of this section, including but not limited to ensuring that each state  
6 department and agency completes the review required under this subsection.**

**7 2. Upon completion of such review and identification of any fees which are not  
8 sufficient to cover the actual costs incurred by the state in providing a fee service or  
9 licensing, the state department or agency shall have the authority to adopt by rule an  
10 increase in such fees to an amount sufficient to cover such actual costs. Any state  
11 department or agency increasing such fees by regulation shall:**

**12 (1) Maintain and make available upon written request the written documentation  
13 used as the basis for increasing such fees; and**

**14 (2) Beginning January 31, 2012, and by each January thirty-first thereafter, submit  
15 a list of all fees increased in the immediately preceding fiscal year to the office of  
16 administration. Such list shall identify any specific fee increased, the service or license for**

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.

17 which the fee is imposed, the previous fee amount, the increased fee amount, and the total  
18 savings realized by the state department or agency as a result of such fee increase.

19 3. By February 15, 2012, and each February fifteenth thereafter, the office of  
20 administration shall submit a report to the governor and general assembly which includes  
21 the information set forth in subdivision (2) of subsection 2 of this section regarding all fee  
22 increase information submitted by each state department and agency.

23 4. Any savings to the state realized by an increase in fees for services or licensing  
24 under this section shall be subject to the following:

25 (1) The total amount saved by each department or agency shall be reduced from  
26 such department's or agency's core budget received through state appropriations;

27 (2) One-half of such savings shall be used to refund such savings to the taxpayers  
28 of this state in accordance with subsection 5 of this section; and

29 (3) (a) One-half of such savings shall be deposited into the "Business Startup and  
30 Entrepreneurial Development Fund" which is hereby created in the state treasury. The  
31 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and  
32 30.180, the state treasurer may approve disbursements. Upon appropriation, money in the  
33 fund shall be used solely for the administration of subsection 5 of this section.

34 (b) Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
35 remaining in the fund at the end of the biennium shall not revert to the credit of the  
36 general revenue fund.

37 (c) The state treasurer shall invest moneys in the fund in the same manner as other  
38 funds are invested. Any interest and moneys earned on such investments shall be credited  
39 to the fund.

40 5. The department of revenue shall refund the savings under subdivision (2) of  
41 subsection 4 of this section to the taxpayers of this state. Such savings shall be refunded  
42 pro rata based on the liability reported on the Missouri state income tax annual returns  
43 filed for each calendar year in which such savings are realized.

44 6. The department of economic development shall establish a program to increase  
45 the number of new business startups in the state and for entrepreneurial development of  
46 business in this state. The department shall utilize moneys from the business startup and  
47 entrepreneurial fund to implement the provisions of this subsection.

48 7. The office of administration, the department of revenue, and the department of  
49 economic development may promulgate rules to implement the provisions of this section.  
50 Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
51 under the authority delegated in this section shall become effective only if it complies with  
52 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.

53 **This section and chapter 536 are nonseverable and if any of the powers vested with the**  
54 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
55 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
56 **rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be**  
57 **invalid and void.**

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