

SECOND REGULAR SESSION

# HOUSE BILL NO. 1182

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REDMON.

4435L.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal sections 8.305, 21.485, 21.800, 21.801, 21.830, 21.910, 33.150, 33.850, 51.165, 67.5016, 82.291, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.400, 105.420, 105.430, 105.440, 105.445, 105.915, 135.210, 141.540, 143.811, 144.030, 144.450, 147.020, 147.050, 160.254, 160.534, 160.932, 160.933, 167.194, 168.081, 168.083, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 171.033, 191.115, 192.105, 194.255, 196.1035, 197.291, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.955, 208.975, 210.114, 226.805, 262.950, 288.036, 288.121, 288.128, 301.129, 301.562, 302.700, 311.489, 324.001, 324.028, 324.159, 324.406, 326.265, 327.051, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 361.120, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, 383.250, 386.145, 393.171, 407.485, 414.412, 442.018, 443.805, 488.2205, 542.301, 620.602, 630.461, 633.410, 640.850, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450, 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, and to enact in lieu thereof seventy-three new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with a penalty provision.

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

Section A. Sections 8.305, 21.485, 21.800, 21.801, 21.830, 21.910, 33.150, 33.850,  
2 51.165, 67.5016, 82.291, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340,

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.

3 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.400, 105.420, 105.430, 105.440,  
4 105.445, 105.915, 135.210, 141.540, 143.811, 144.030, 144.450, 147.020, 147.050, 160.254,  
5 160.534, 160.932, 160.933, 167.194, 168.081, 168.083, 170.051, 170.055, 170.061, 170.071,  
6 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 171.033, 191.115,  
7 192.105, 194.255, 196.1035, 197.291, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630,  
8 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730,  
9 205.740, 205.750, 205.760, 208.955, 208.975, 210.114, 226.805, 262.950, 288.036, 288.121,  
10 288.128, 301.129, 301.562, 302.700, 311.489, 324.001, 324.028, 324.159, 324.406, 326.265,  
11 327.051, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613, 334.618,  
12 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130,  
13 339.120, 345.035, 361.120, 374.776, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836,  
14 383.250, 386.145, 393.171, 407.485, 414.412, 442.018, 443.805, 488.2205, 542.301, 620.602,  
15 630.461, 633.410, 640.850, 650.120, 660.425, 660.430, 660.435, 660.440, 660.445, 660.450,  
16 660.455, 660.460, 660.465, 701.058, and 701.502, RSMo, are repealed and seventy-three new  
17 sections enacted in lieu thereof, to be known as sections 33.150, 51.165, 67.5016, 100.710,  
18 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375,  
19 105.400, 105.420, 105.430, 105.915, 135.210, 141.540, 143.811, 144.030, 144.450, 147.020,  
20 147.050, 160.254, 160.534, 168.081, 170.051, 171.033, 194.255, 196.1035, 208.955, 210.114,  
21 226.805, 288.036, 288.121, 288.128, 301.562, 302.700, 324.001, 324.028, 324.159, 324.406,  
22 326.265, 327.051, 329.025, 330.190, 332.041, 334.100, 334.506, 334.570, 334.610, 334.613,  
23 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712,  
24 338.130, 339.120, 345.035, 361.120, 386.145, 407.485, 414.412, 443.805, and 542.301, to read  
25 as follows:

33.150. The original of all accounts, vouchers and documents approved or to be  
2 approved by the commissioner of administration shall be preserved in his office; and copies  
3 thereof shall be given without charge to any person, county, city, town, township and school or  
4 special road district interested therein, that may require the same for the purpose of being used  
5 as evidence in the trial of the cause, and like copies shall be furnished to any corporation or  
6 association requiring the same, under tender of the fees allowed by law; provided, that, during  
7 each biennial session of the general assembly, the commissioner of administration may[, in the  
8 presence of a joint committee of the house of representatives and senate,] destroy by burning or  
9 by any other method [satisfactory to said joint committee all] paid accounts, vouchers and  
10 duplicate receipts of the state treasurer and other documents which may have been on file in the  
11 office of the commissioner of administration or his predecessor as custodian of such documents  
12 for a period of five years or longer, except such documents as may at the time be the subject of  
13 litigation or dispute. [Said joint committee shall consist of four members of the house of

14 representatives, to be appointed by the speaker of the house of representatives, and two members  
15 of the senate, to be appointed by the president pro tem of the senate.]

51.165. In all counties of class three and four which shall enter into an agreement with  
2 the state agency to place county employees under the Federal Social Security Act in accordance  
3 with the provisions of sections 105.300 to [105.440] **105.430**, it shall be the duty of the county  
4 clerk to keep necessary records, collect contributions of county employees [and remit the same  
5 to the state agency], and do all other administrative acts required by the agreement or by ruling  
6 of the federal or state agency in order to carry out the purposes of the aforesaid law.

67.5016. 1. Any county levying a local sales tax under the authority of sections 67.5000  
2 to 67.5038 shall not administer or collect the tax locally, but shall utilize the services of the state  
3 department of revenue to administer, enforce, and collect the tax. The sales tax shall be  
4 administered, enforced, and collected in the same manner and by the same procedure as other  
5 local sales taxes are levied and collected and shall be in addition to any other sales tax authorized  
6 by law. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall  
7 apply to the tax imposed pursuant to this section.

8 2. Upon receipt of a certified copy of a resolution from the county authorizing the levy  
9 of a local sales tax, which resolution shall state the name of the district in which that county is  
10 included, the director of the department of revenue shall cause this tax to be collected at the same  
11 time and in the same manner provided for the collection of the state sales tax. All moneys  
12 derived from this local sales tax imposed under the authority of sections 67.5000 to 67.5038 and  
13 collected under the provisions of this section by the director of revenue shall be [credited to a  
14 fund established for the district, which is hereby established in] **deposited with** the state  
15 treasury[,] under the name of that district, as established. **The moneys derived from local sales**  
16 **tax shall not be deemed to be state funds and shall not be commingled with any funds of**  
17 **the state.** Any refund due on any local sales tax collected pursuant to section 67.5000 to  
18 67.5038 shall be paid out of the sales tax refund fund and reimbursed by the director of revenue  
19 from the sales tax revenue collected under this section. All local sales tax revenue derived from  
20 the authority granted by sections 67.5000 to 67.5038 and collected from within any county, under  
21 this section, shall be remitted at least quarterly by the director of revenue to the district  
22 established by sections 67.5000 to 67.5038, the source county included in the district and the  
23 cities in that county, in the percentages set forth in section 67.5014.

100.710. As used in sections 100.700 to 100.850, the following terms mean:

2 (1) "Assessment", an amount of up to five percent of the gross wages paid in one year  
3 by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic  
4 development project is located within a distressed community as defined in section 135.530;

5 (2) "Board", the Missouri development finance board as created by section 100.265;

6 (3) "Certificates", the revenue bonds or notes authorized to be issued by the board  
7 pursuant to section 100.840;

8 (4) "Credit", the amount agreed to between the board and an eligible industry, but not  
9 to exceed the assessment attributable to the eligible industry's project;

10 (5) "Department", the Missouri department of economic development;

11 (6) "Director", the director of the department of economic development;

12 (7) "Economic development project":

13 (a) The acquisition of any real property by the board, the eligible industry, or its affiliate;

14 or

15 (b) The fee ownership of real property by the eligible industry or its affiliate; and

16 (c) For both paragraphs (a) and (b) of this subdivision, "economic development project"  
17 shall also include the development of the real property including construction, installation, or  
18 equipping of a project, including fixtures and equipment, and facilities necessary or desirable for  
19 improvement of the real property, including surveys; site tests and inspections; subsurface site  
20 work; excavation; removal of structures, roadways, cemeteries and other surface obstructions;  
21 filling, grading and provision of drainage, storm water retention, installation of utilities such as  
22 water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site  
23 construction of utility extensions to the boundaries of the real property; and the acquisition,  
24 installation, or equipping of facilities on the real property, for use and occupancy by the eligible  
25 industry or its affiliates;

26 (8) "Eligible employee", a person employed on a full-time basis in a new job at the  
27 economic development project averaging at least thirty-five hours per week who was not  
28 employed by the eligible industry or a related taxpayer in this state at any time during the  
29 twelve-month period immediately prior to being employed at the economic development project.  
30 For an essential industry, a person employed on a full-time basis in an existing job at the  
31 economic development project averaging at least thirty-five hours per week may be considered  
32 an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

33 (9) "Eligible industry", a business located within the state of Missouri which is engaged  
34 in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling  
35 products, conducting research and development, or providing services in interstate commerce,  
36 office industries, or agricultural processing, but excluding retail, health or professional services.  
37 "Eligible industry" does not include a business which closes or substantially reduces its operation  
38 at one location in the state and relocates substantially the same operation to another location in  
39 the state. This does not prohibit a business from expanding its operations at another location in  
40 the state provided that existing operations of a similar nature located within the state are not  
41 closed or substantially reduced. This also does not prohibit a business from moving its

42 operations from one location in the state to another location in the state for the purpose of  
43 expanding such operation provided that the board determines that such expansion cannot  
44 reasonably be accommodated within the municipality in which such business is located, or in the  
45 case of a business located in an incorporated area of the county, within the county in which such  
46 business is located, after conferring with the chief elected official of such municipality or county  
47 and taking into consideration any evidence offered by such municipality or county regarding the  
48 ability to accommodate such expansion within such municipality or county. An eligible industry  
49 must:

50 (a) Invest a minimum of fifteen million dollars, or ten million dollars for an office  
51 industry, in an economic development project; and

52 (b) Create a minimum of one hundred new jobs for eligible employees at the economic  
53 development project or a minimum of five hundred jobs if the economic development project  
54 is an office industry or a minimum of two hundred new jobs if the economic development project  
55 is an office industry located within a distressed community as defined in section 135.530, or in  
56 the case of an approved company for a project for a world headquarters of a business whose  
57 primary function is tax return preparation in any home rule city with more than four hundred  
58 thousand inhabitants and located in more than one county, create a minimum of one hundred new  
59 jobs for eligible employees at the economic development project. An industry that meets the  
60 definition of "essential industry" may be considered an eligible industry for the purposes of the  
61 program authorized by sections 100.700 to 100.850.

62

63 Notwithstanding the preceding provisions of this subdivision, a development agency, as such  
64 term is defined in subdivision (3) of section 100.255, or a corporation, limited liability company,  
65 or partnership formed on behalf of a development agency, at the option of the board, may be  
66 authorized to act as an eligible industry with such obligations and rights otherwise applicable to  
67 an eligible industry, including the rights of an approved company under section 100.850, so long  
68 as the eligible industry otherwise meets the requirements imposed by this subsection;

69 (10) "Essential industry", a business that otherwise meets the definition of eligible  
70 industry except an essential industry shall:

71 (a) Be a targeted industry;

72 (b) Be located in a home rule city with more than twenty-six thousand but less than  
73 twenty-seven thousand inhabitants located in any county with a charter form of government and  
74 with more than one million inhabitants or in a city of the fourth classification with more than  
75 four thousand three hundred but fewer than four thousand four hundred inhabitants and located  
76 in any county with a charter form of government and with more than one million inhabitants;

77 (c) Have maintained at least two thousand jobs at the proposed economic development  
78 project site each year for a period of four years preceding the year in which application for the  
79 program authorized by sections 100.700 to 100.850 is made and during the year in which said  
80 application is made;

81 (d) Retain, at the proposed economic development project site, the level of employment  
82 that existed at the site in the taxable year immediately preceding the year in which application  
83 for the program, authorized by sections 100.700 to 100.850, is made. Retention of such level  
84 of employment shall commence three years from the date of issuance of the certificates and  
85 continue for the duration of the certificates; and

86 (e) Invest a minimum of five hundred million dollars in the economic development  
87 project by the end of the third year after the issuance of the certificates under this program;

88 (11) "New job", a job in a new or expanding eligible industry not including jobs of  
89 recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the  
90 state. For an essential industry, an existing job may be considered a new job for the purposes of  
91 the program authorized by sections 100.700 to 100.850;

92 (12) "Office industry", a regional, national or international headquarters, a  
93 telecommunications operation, a computer operation, an insurance company, or a credit card  
94 billing and processing center;

95 (13) "Program costs", all necessary and incidental costs of providing program services  
96 including payment of the principal of premium, if any, and interest on certificates, including  
97 capitalized interest, issued to finance a project, and funding and maintenance of a debt service  
98 reserve fund to secure such certificates. Program costs shall include:

99 (a) Obligations incurred for labor and obligations incurred to contractors, subcontractors,  
100 builders and materialmen in connection with the acquisition, construction, installation or  
101 equipping of an economic development project;

102 (b) The cost of acquiring land or rights in land and any cost incidental thereto, including  
103 recording fees;

104 (c) The cost of contract bonds and of insurance of all kinds that may be required or  
105 necessary during the course of acquisition, construction, installation or equipping of an economic  
106 development project which is not paid by the contractor or contractors or otherwise provided for;

107 (d) All costs of architectural and engineering services, including test borings, surveys,  
108 estimates, plans and specifications, preliminary investigations and supervision of construction,  
109 as well as the costs for the performance of all the duties required by or consequent upon the  
110 acquisition, construction, installation or equipping of an economic development project;

111 (e) All costs which are required to be paid under the terms of any contract or contracts  
112 for the acquisition, construction, installation or equipping of an economic development project;  
113 and

114 (f) All other costs of a nature comparable to those described in this subdivision;

115 (14) "Program services", administrative expenses of the board, including contracted  
116 professional services, and the cost of issuance of certificates;

117 (15) "Targeted industry", an industry or one of a cluster of industries that is identified  
118 by the department as critical to the state's economic security and growth [and affirmed as such  
119 by the joint committee on economic development policy and planning established in section  
120 620.602].

104.342. 1. Any person hired by the state on or after August 13, 1986, in any of the  
2 positions described in this subsection shall be a member of the system from the date on which  
3 such employment begins. This subsection shall apply to any person duly certified under the law  
4 governing the certification of teachers who is employed full time:

5 (1) As a teacher by the division of youth services;

6 (2) As a teacher by a division of the state department of social services and who renders  
7 services in a school whose standards of education are set and which is supervised by a public  
8 school officer of the county in which the school is located, by the department of elementary and  
9 secondary education or by the coordinating board for higher education;

10 (3) As a teacher by the section of inmate education of the department of corrections;

11 (4) In either a teaching or supervisory teaching capacity by the department of mental  
12 health, in which his or her duties include participation in the educational program of the  
13 department of mental health.

14 2. Any person employed in any of the positions described in subsection 1 of this section  
15 immediately prior to and on August 13, 1986, may elect, in writing, to:

16 (1) Become a member of the Missouri state employees' retirement system effective  
17 January 1, 1987. Any person who, by virtue of an election made under this subdivision, becomes  
18 a member of the Missouri state employees' retirement system shall be entitled to creditable prior  
19 service credit for service rendered in any of the positions described in subsection 1 of this  
20 section. Members who so elect shall be eligible, upon written request filed with the public  
21 school retirement system, to receive a refund of their accumulated contributions including  
22 interest of six percent and upon payment of such refund, the public school retirement systems  
23 shall pay to the state employees' retirement system before June 30, 1987, an amount equal to the  
24 amount paid the public school retirement system on behalf of each member so electing by the  
25 member's employer; or

26           (2) Remain a member of the public school retirement system of Missouri created under  
27 sections 169.010 to 169.140. Any person entitled to make the election provided by this  
28 subsection who does not make such election, in writing, by January 1, 1987, shall be deemed to  
29 have elected to be governed by subdivision (1) of this subsection.

30           3. Any person who is employed on a full-time basis by Truman State University,  
31 Northwest Missouri State University, Central Missouri State University, Southeast Missouri  
32 State University, Southwest Missouri State University, Harris-Stowe State College or Missouri  
33 Southern State College and Missouri Western State College shall be a member of the system;  
34 except that any person who is duly certified under the laws governing the certification of teachers  
35 and who is a full-time employee of such institution or institutions on June 14, 1989, and is  
36 contributing because of such employment to a retirement system established under sections  
37 169.010 to 169.140 or sections 169.410 to 169.540, may make an election to continue in that  
38 retirement system if such election is made on or before December 31, 1989. This election shall  
39 not apply to any such person who commenced receiving retirement benefits prior to January 1,  
40 1990, from any state retirement system because of such service.

41           4. Effective January 1, 1990, only after an affirmative referendum in accordance with  
42 section 105.353, any person who is employed on a full-time basis by the department of  
43 elementary and secondary education shall be a member of the system; except that any person  
44 duly certified under the law governing the certification of teachers who is a full-time employee  
45 at any time during the period extending from June 14, 1989, through December 31, 1989, and  
46 is contributing because of such employment to the retirement system established under sections  
47 169.010 to 169.140, may elect to continue in that retirement system if such election is made on  
48 or before December 31, 1989. This election shall not apply to any such person who commenced  
49 receiving retirement benefits prior to January 1, 1990, from any state retirement system because  
50 of such service.

51           5. On June 14, 1989, all newly employed persons in the positions described in subsection  
52 3 of this section shall become members of the Missouri state employees' retirement system.  
53 Effective January 1, 1990, and only after an affirmative referendum provided for in subsection  
54 4 of this section, all newly employed persons in the positions described in subsection 4 of this  
55 section shall become members of the Missouri state employees' retirement system.

56           6. Any employee actively employed on June 14, 1989, who, because of employment in  
57 a position described in subsection 1, 3 or 4 of this section, has creditable service in this system  
58 for such employment which at the time the service was rendered was not covered by the federal  
59 Social Security Act, shall remain in this system and be entitled to the benefits provided under  
60 subdivision (1) of subsection 7 of this section; except that any such employee who has creditable  
61 service in this system because of employment in a position described in subsection 4 of this

62 section which is not covered by the federal Social Security Act on January 1, 1990, shall not be  
63 entitled to the benefits provided under subdivision (1) of subsection 7 of this section for such  
64 creditable service.

65 7. Any person entitled to make the election provided by subsection 3 or 4 of this section,  
66 who does not make such election, in writing, on or before December 31, 1989, shall be deemed  
67 to have elected to be governed by subdivision (1) of this subsection:

68 (1) Those persons described in subsections 3 and 4 of this section who elect or have  
69 elected by written request filed with the board to be members of this system, shall be entitled to  
70 creditable prior service for service rendered in any of the positions described in subsections 1,  
71 3 and 4 of this section. Any person who so elects shall be eligible, upon written request filed  
72 with the board on or before March 31, 1990, with the retirement system established under  
73 sections 169.010 to 169.140 or sections 169.410 to 169.540, to receive a refund of the member's  
74 accumulated contributions for the creditable service in any of the positions described in  
75 subsections 1, 3 and 4 of this section, plus interest at an annual rate of six percent computed on  
76 the refundable balance, if any, in the member's account in that retirement system as of June 30,  
77 1989. Such refunds shall be made prior to June 1, 1990. If any creditable prior service  
78 transferred under subsection 1, 3 or 4 of this section, or subsection 3 of section 104.372, includes  
79 periods of service not covered by the federal Social Security Act, as provided in sections 105.300  
80 to [105.445] **105.430**, then, in calculating the benefit amount payable to such member, the  
81 normal annuity shall be an amount equal to two and one-tenth percent of the average  
82 compensation of the member multiplied by the number of years of such creditable service for the  
83 positions described in subsections 1, 3 and 4 of this section not covered by the federal Social  
84 Security Act in addition to an amount payable under section 104.374 for all service covered by  
85 the federal Social Security Act. The normal annuity as described in this subdivision shall be  
86 adjusted for early retirement, if applicable;

87 (2) Any person described in subsections 3 and 4 of this section, who elects to remain in  
88 one of the retirement systems established under sections 169.010 to 169.140 or sections 169.410  
89 to 169.540, shall, notwithstanding any provision of chapter 169 to the contrary, be a  
90 noncontributing member of such system and shall receive a refund of the member's accumulated  
91 contributions for the creditable service in any of the positions described in subsection 1, 3 or 4  
92 of this section, plus interest at an annual rate of six percent computed on the refundable balance,  
93 if any, in the member's account in that retirement system as of June 30, 1989. Such refunds shall  
94 be made prior to June 1, 1990. At the time of retirement under the provisions of sections  
95 169.010 to 169.140 or sections 169.410 to 169.540, such person shall receive a retirement benefit  
96 computed under the then existing law of that retirement system; except that, for any person  
97 employed in a position described in subsection 4 of this section, the benefit shall be the amount

98 computed as though the position were not covered by the federal Social Security Act, reduced  
99 by the amount of any federal Social Security benefit the person may receive which is attributable  
100 to service rendered in the positions described in subsection 4 of this section after December 31,  
101 1989.

102 8. Upon payment of the refunds provided in subdivision (1) of subsection 7 of this  
103 section, each refunding retirement system shall pay to the state employees' retirement system,  
104 by December 31, 1990, an amount actuarially determined to equal the liability transferred from  
105 such retirement systems. At least ninety days before each regular session of the general assembly  
106 the board of trustees of the affected public school retirement system shall certify to the division  
107 of budget an actuarially determined estimate of the amount which will be necessary during the  
108 next appropriation period to pay all liabilities, including costs of administration, which shall exist  
109 or accrue under subsections 1 through 7 of this section during such period. The estimate shall  
110 be computed as a level percentage of payroll compensation to cover the normal cost and to  
111 amortize the accrued liability over a period not to exceed forty years. The commissioner of  
112 administration shall request appropriation of the amount calculated under the provisions of this  
113 subsection. The commissioner of administration monthly shall requisition and certify the  
114 payment to the executive secretary of the appropriate school retirement system.

115 9. Notwithstanding any provisions of chapter 169 to the contrary, any member who  
116 becomes a member under the provisions of subsection 2, 5, or 7 of this section and who has  
117 creditable service with a public school retirement system under that chapter because of  
118 employment with any employer other than those defined in subsection 1, 3, or 4 of this section  
119 shall immediately vest in that public school retirement system and upon attainment of the  
120 minimum retirement age of that system shall be entitled to a monthly benefit based on such  
121 creditable service and the law in effect at that time, provided the person does not elect to  
122 withdraw the member's accumulated contributions for such creditable service from that public  
123 school retirement system.

124 10. Effective July 1, 1988, the Lincoln University board of curators shall terminate the  
125 Lincoln University retirement, disability and death benefit plan and shall purchase through  
126 competitive bids annuities adequate to cover the liability for all benefits presently being paid  
127 from such plan to former employees or their surviving beneficiaries upon the death of the  
128 employee as provided by such plan at the time of the commencement of benefits to such former  
129 employees or beneficiaries. Lincoln University shall pay to the Missouri state employees'  
130 retirement system on or before July 1, 1988, an amount equal to all funds and securities thereon  
131 contained in the Lincoln University retirement, disability and death benefit plan less the amount  
132 needed to purchase annuities for retiree and survivor benefits.

133           11. Effective July 1, 1988, the Lincoln University board of curators shall certify to the  
134 board of trustees of the Missouri state employees' retirement system all persons eligible to  
135 receive but not yet receiving benefits under the Lincoln University retirement, disability and  
136 death benefit plan, for service prior to June 30, 1988, together with the amounts payable and  
137 supporting documentation as to the methods, plan provisions and data used to calculate such  
138 benefits, to the satisfaction of the board of trustees of the Missouri state employees' retirement  
139 system, and the Missouri state employees' retirement system shall assume responsibility for  
140 payment of such benefits in the future.

141           12. Any person employed on a full-time basis by Lincoln University on or after July 1,  
142 1988, shall become a member of the Missouri state employees' retirement system, and may elect  
143 in writing to receive creditable prior service for all full-time service to Lincoln University if such  
144 service is not now credited the member under the Missouri state employees' retirement system,  
145 and provided the member elects in writing to forfeit all rights accrued under the Lincoln  
146 University retirement, disability and death benefit plan for such service.

147           13. (1) Any person who is employed by Harris-Stowe State College as a teacher or  
148 administrator on August 28, 1995, who was employed full time by Harris-Stowe College prior  
149 to September 1, 1978, who became a member of the Missouri state employees' retirement system  
150 on or after September 1, 1978, and who has been continuously employed by the college, may  
151 purchase creditable prior service for any service rendered to Harris-Stowe College prior to  
152 September 1, 1978, which is not otherwise credited under the Missouri state employees'  
153 retirement system, not to exceed twelve years;

154           (2) Any person eligible to purchase creditable prior service under the provisions of  
155 subdivision (1) of this subsection may make written application to the board of trustees of the  
156 Missouri state employees' retirement system prior to retirement, but not later than April 1, 1996.  
157 The purchase shall be effected by the member and the public school retirement system of which  
158 the member was previously a member paying to the Missouri state employees' retirement system  
159 the following amounts:

160           (a) The amount contributed by the employee to the St. Louis public school retirement  
161 system during the years of prior service with Harris-Stowe College for which the employee seeks  
162 to purchase creditable prior service in the Missouri state employees' retirement system, including  
163 interest which may have been credited to the member's individual account with the system, or  
164 which would have been credited to the account had it remained with the St. Louis public school  
165 retirement system; and

166           (b) An amount which shall not be less than zero and which shall equal the actuarial  
167 accrued liability of the St. Louis public school retirement system for the prior service, determined

168 as of the transfer date as if the member were still in active service covered by the St. Louis public  
169 school retirement system, less the amount stipulated in paragraph (a) of this subdivision;

170 (c) If the member had received a refund of contributions related to service covered by  
171 the St. Louis public school retirement system, the amount stipulated in paragraph (a) of this  
172 subdivision shall be paid to the Missouri state employees' retirement system by the member,  
173 otherwise, such amount shall be paid to the Missouri state employees' retirement system by the  
174 St. Louis public school retirement system;

175 (3) Any amount payable to the Missouri state employees' retirement system by the  
176 member may be paid in a lump sum or in monthly installments. If paid in monthly installments,  
177 the period over which payments are being made may not extend beyond the earlier of the  
178 member's retirement date or April 1, 1997, and shall include interest at a rate established by the  
179 board of trustees of the Missouri state employees' retirement system;

180 (4) Any amounts payable to the Missouri state employees' retirement system by the St.  
181 Louis public schools retirement system shall be paid in a lump sum and shall not be paid later  
182 than the earlier of the member's retirement date or April 1, 1997, and shall include interest at a  
183 rate established by the board of trustees of the Missouri state employees' retirement system;

184 (5) Any person who elects to purchase creditable prior service under the provisions of  
185 this section shall file with the St. Louis public school retirement system an irrevocable waiver  
186 and release of any rights and benefits in that system for the creditable prior service being  
187 purchased. The member shall file with the Missouri state employees' retirement system a copy  
188 of the waiver and an affidavit stating that he or she is no longer eligible to receive benefits or  
189 credits in any other retirement system for the creditable prior service being purchased;

190 (6) All retirement plans defined under section 105.660 shall develop a procurement  
191 action plan for utilization of minority and women money managers, brokers and investment  
192 counselors. Such retirement systems shall report their progress annually to the joint committee  
193 on public employee retirement and the governor's minority advocacy commission.

194 14. In no event shall any person receive service credit for the same period of service  
195 under more than one retirement system.

104.1024. 1. Any member who terminates employment may retire on or after attaining  
2 normal retirement eligibility by making application in written form and manner approved by the  
3 appropriate board. The written application shall set forth the annuity starting date which shall  
4 not be earlier than the first day of the second month following the month of the execution and  
5 filing of the member's application for retirement nor later than the first day of the fourth month  
6 following the month of the execution and filing of the member's application for retirement. The  
7 payment of the annuity shall be made the last working day of each month, providing all

8 documentation required under section 104.1027 for the calculation and payment of the benefits  
9 is received by the board.

10         2. A member's annuity shall be paid in the form of a life annuity, except as provided in  
11 section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the  
12 final average pay of the member multiplied by the member's years of credited service.

13         3. The life annuity defined in subsection 2 of this section shall not be less than a monthly  
14 amount equal to fifteen dollars multiplied by the member's full years of credited service.

15         4. If as of the annuity starting date of a member who has attained normal retirement  
16 eligibility the sum of the member's years of age and years of credited service equals eighty or  
17 more years and if the member's age is at least forty-eight years but less than sixty-two years, or,  
18 in the case of a member of the highway patrol who shall be subject to the mandatory retirement  
19 provision of section 104.080, the mandatory retirement age and completion of five years of  
20 credited service, then in addition to the life annuity described in subsection 2 of this section, the  
21 member shall receive a temporary annuity equal to eight-tenths of one percent of the member's  
22 final average pay multiplied by the member's years of credited service. The temporary annuity  
23 and any cost-of-living adjustments attributable to the temporary annuity pursuant to section  
24 104.1045 shall terminate at the end of the calendar month in which the earlier of the following  
25 events occurs: the member's death or the member's attainment of the earliest age of eligibility  
26 for reduced Social Security retirement benefits, but no later than age sixty-two.

27         5. The annuity described in subsection 2 of this section for any person who has credited  
28 service not covered by the federal Social Security Act, as provided in sections 105.300 to  
29 [105.445] **105.430**, shall be calculated as follows: the life annuity shall be an amount equal to  
30 two and five-tenths percent of the final average pay of the member multiplied by the number of  
31 years of service not covered by the federal Social Security Act in addition to one and  
32 seven-tenths percent of the final average pay of the member multiplied by the member's years  
33 of credited service covered by the federal Social Security Act.

34         6. Effective July 1, 2002, any member, except an elected official or a member of the  
35 general assembly, who has not been paid retirement benefits and continues employment for at  
36 least two years beyond the date of normal retirement eligibility, may elect to receive an annuity  
37 and lump sum payment or payments, determined as follows:

38             (1) A retroactive starting date shall be established which shall be a date selected by the  
39 member; provided, however, that the retroactive starting date selected by the member shall not  
40 be a date which is earlier than the date when a normal annuity would have first been payable.  
41 In addition, the retroactive starting date shall not be more than five years prior to the annuity  
42 starting date. The member's selection of a retroactive starting date shall be done in twelve-month

43 increments, except this restriction shall not apply when the member selects the total available  
44 time between the retroactive starting date and the annuity starting date;

45 (2) The prospective annuity payable as of the annuity starting date shall be determined  
46 pursuant to the provisions of this section, with the exception that it shall be the amount which  
47 would have been payable at the annuity starting date had the member actually retired on the  
48 retroactive starting date under the retirement plan selected by the member. Other than for the  
49 lump sum payment or payments specified in subdivision (3) of this subsection, no other amount  
50 shall be due for the period between the retroactive starting date and the annuity starting date;

51 (3) The lump sum payable shall be ninety percent of the annuity amounts which would  
52 have been paid to the member from the retroactive starting date to the annuity starting date had  
53 the member actually retired on the retroactive starting date and received a life annuity. The  
54 member shall elect to receive the lump sum amount either in its entirety at the same time as the  
55 initial annuity payment is made or in three equal annual installments with the first payment made  
56 at the same time as the initial annuity payment;

57 (4) Any annuity payable pursuant to this section that is subject to a division of benefit  
58 order pursuant to section 104.1051 shall be calculated as follows:

59 (a) Any service of a member between the retroactive starting date and the annuity  
60 starting date shall not be considered credited service except for purposes of calculating the  
61 division of benefit; and

62 (b) The lump sum payment described in subdivision (3) of this section shall not be  
63 subject to any division of benefit order; and

64 (5) For purposes of determining annual benefit increases payable as part of the lump sum  
65 and annuity provided pursuant to this section, the retroactive starting date shall be considered the  
66 member's date of retirement.

105.300. When used in sections 105.300 to [105.440] **105.430**, the following terms  
2 mean:

3 (1) "Applicable federal law", those provisions of the federal law, including federal  
4 regulations and requirements issued pursuant thereto which provide for the extension of the  
5 benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to employees of states,  
6 political subdivisions and their instrumentalities;

7 (2) "Employee", elective or appointive officers and employees of the state, including  
8 members of the general assembly, and elective or appointive officers and employees of any  
9 political subdivision of the state, including county officers remunerated wholly by fees from  
10 sources other than county funds, or any instrumentality of either the state or such political  
11 subdivisions; and employees of a group of two or more political subdivisions of the state  
12 organized to perform common functions or services;

13 (3) "Employee tax", the tax imposed by section 1400 of the federal Internal Revenue  
14 Code of 1939 and section 3101 of the federal Internal Revenue Code of 1954;

15 (4) "Employment", any service performed by any employee of the state or any of its  
16 political subdivisions or any instrumentality of either of them, which may be covered, under  
17 applicable federal law, in the agreement between the state and the [Secretary of Health,  
18 Education and Welfare] **Commissioner of the Social Security Administration**, except services,  
19 which in the absence of an agreement entered into under sections 105.300 to [105.440] **105.430**  
20 would constitute "employment" as defined in section 210 of the Social Security Act (42 U.S.C.A.  
21 § 410); any services performed by an employee as a member of a coverage group, in positions  
22 covered by a retirement system on the date such agreement is made applicable to such coverage  
23 group, which retirement system is supported wholly or in part by the state or any of its  
24 instrumentalities or political subdivisions, shall not be considered as "employment" within the  
25 meaning of sections 105.300 to [105.440] **105.430**; however, service which under the Social  
26 Security Act may be included only upon certification by the governor in accordance with section  
27 218(d)(3) of that act shall be included in the term "employment" if and when the governor issues,  
28 with respect to such service, a certificate to the [Secretary of Health, Education and Welfare  
29 pursuant to] **Commissioner of the Social Security Administration under** section 105.353;

30 (5) "Federal agency", any federal officer, department, or agency which is charged on  
31 behalf of the federal government with the particular federal function referred to in connection  
32 with such term;

33 (6) "Federal Insurance Contributions Act", subchapter A of chapter 9 of the federal  
34 Internal Revenue Code of 1939 and subchapters A and B of chapter 21 of the federal Internal  
35 Revenue Code of 1954, as such codes have been and may be amended;

36 (7) "Instrumentality", an instrumentality of a state or of one or more of its political  
37 subdivisions but only if such instrumentality is a juristic entity which is legally separate and  
38 distinct from the state or such political subdivision and whose employees are not by virtue of  
39 their relation to such juristic entity employees of the state or such subdivision;

40 (8) "Political subdivision", any county, township, municipal corporation, school district,  
41 or other governmental entity of equivalent rank;

42 (9) "Social Security Act", the act of Congress approved August 14, 1935, Title 42,  
43 Chapter 7, United States Code, officially cited as the "Social Security Act", (42 U.S.C.A. § 401,  
44 et seq.), as such act has been and may from time to time be amended;

45 (10) "State administrator", director, division of accounting, office of administration;

46 (11) "State agency", office of administration, division of accounting;

47 (12) "Wages", all remuneration for employment as defined herein, including the cash  
48 value of all remuneration paid in any medium other than cash, except that the term shall not

49 include that part of such remuneration which, even if it were for "employment" within the  
50 meaning of the federal Insurance Contributions Act, would not constitute "wages" within the  
51 meaning of that act.

105.310. 1. The state agency, with the approval of the governor, shall enter into on  
2 behalf of the state an agreement with the [Secretary of Health and Human Services]  
3 **Commissioner of the Social Security Administration**, consistent with sections 105.300 to  
4 [105.440] **105.430**, for the purpose of extending the benefits of the federal old age and survivors  
5 insurance system to employees of the state or of any of its political subdivisions, or of any  
6 instrumentality of any one or more of them, with respect to services specified in such agreement,  
7 which constitute employment as defined in section 105.300. Such agreement may contain  
8 provisions relating to coverage, benefits, contributions, effective date, modifications and  
9 termination of the agreement, administration and other appropriate provisions, and except as  
10 otherwise required by the Social Security Act as to the services to be covered, such agreement  
11 shall provide that benefits will be granted to employees whose services are covered by the  
12 agreement, their dependents and survivors, on the same basis as though the services constituted  
13 employment within the meaning of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.).

14 2. A modification entered into after December 31, 1954, and prior to January 1, 1958,  
15 may be effective with respect to services performed after December 31, 1954, or after a later date  
16 specified in the modification.

17 3. All services which constitute employment as defined in section 105.300 and are  
18 performed in the employ of the state by employees of the state shall be covered by the agreement.

19 4. All services shall be covered by the agreement which:

20 (1) Constitute employment as defined in section 105.300;

21 (2) Are performed in the employ of a political subdivision or in the employ of an  
22 instrumentality of either the state or a political subdivision; except services performed in the  
23 employ of any municipality in connection with its operation of a public transportation system as  
24 defined in section 210(1) of the Social Security Act (42 U.S.C.A. § 410); and there is hereby  
25 granted to the governing body of such municipality and the officers in charge of such  
26 transportation system such powers and authority as may be necessary to comply with the Social  
27 Security Act in extending the benefits of the federal old age and survivors insurance system to  
28 the employees of such public transportation system; and

29 (3) Are covered by a plan which is in conformity with the terms of the agreement  
30 approved by the state agency under section 105.350.

31 5. As modified the agreement shall include all services described in either subsection 3  
32 or 4 of this section and performed by individuals in positions covered by a retirement system  
33 with respect to which the governor has issued a certificate to the [Secretary of Health and Human

34 Services pursuant to] **Commissioner of the Social Security Administration** under section  
35 105.353.

105.330. Any instrumentality jointly created by this state and any other state or states is  
2 hereby authorized upon the granting of like authority by such other state or states:

3 (1) To enter into an agreement with the [Secretary of Health, Education and Welfare]  
4 **Commissioner of the Social Security Administration** whereby the benefits of the federal old  
5 age and survivors insurance system shall be extended to employees of such instrumentality;

6 (2) To require its employees to pay, and for that purpose deduct from their wages,  
7 contributions equal to the amounts which they would be required to pay under section 105.340,  
8 subsection 1, if they were covered by an agreement made pursuant to section 105.310;

9 (3) To make payments to the Secretary of the Treasury in accordance with such  
10 agreement, including payments from its own funds, and otherwise to comply with such  
11 agreements. Such agreement, to the extent practicable, shall be consistent with the provisions  
12 of sections 105.300 to [105.440] **105.430**.

105.340. 1. Every employee of the state whose services are covered by an agreement  
2 entered into under section 105.310 shall be required to pay for the period of coverage to the  
3 trustee contributions with respect to wages equal to the amount of the employee tax which would  
4 be imposed by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400). The liability shall  
5 arise in consideration of the employee's retention in the service, or his entry upon service after  
6 the passage of sections 105.300 to [105.440] **105.430**.

7 2. The contributions imposed by this section shall be collected by the trustee by  
8 deducting the amount of the contributions from wages paid, but failure to make the deductions  
9 shall not relieve the employee from liability for the contribution.

10 3. If more or less than the correct amount of the employee's contribution is paid or  
11 deducted with respect to any remuneration, proper adjustments or refund shall be made, without  
12 interest, in such manner and at such times as the state agency shall prescribe.

105.350. 1. Each political subdivision of the state and each instrumentality of the state  
2 or of a political subdivision may submit for approval by the state agency a plan for extending the  
3 benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401 et seq.) to its employees, and  
4 are hereby authorized to, by proper ordinance or resolution, enter into and ratify any such  
5 agreement upon its approval as aforesaid. Two or more political subdivisions or  
6 instrumentalities may form a joint plan if, in the absence of such joint plan, because of the  
7 requirements of the agreement entered into pursuant to section 105.310, or because of any  
8 requirement imposed by federal law, any subdivision included in such unit would be unable to  
9 submit an approvable plan.

10           2. Each plan or any amendment thereof shall be approved by the state agency if it finds  
11 that such plan is in conformity with the requirements provided by the regulations of the state  
12 agency, except that no plan shall be approved unless:

13           (1) It is in conformity with the requirements of the applicable federal law and with the  
14 agreement entered into under section 105.310;

15           (2) It provides that all services which constitute employment as defined in section  
16 105.300 and are performed in the employ of the political subdivision or instrumentality, or in the  
17 employ of any member of a joint coverage unit are covered by the plan;

18           (3) It specifies the source or sources from which the funds necessary to make the  
19 payments required by section 105.370 are to be derived and contains reasonable assurance that  
20 such sources will be adequate for such purpose;

21           (4) It provides for methods of administration of the plan by the political subdivision or  
22 instrumentality or members of the joint coverage unit as are found by the state agency to be  
23 necessary for the proper and efficient administration of the plan[;

24           (5) It provides that the political subdivision or instrumentality or members of the joint  
25 coverage unit shall make reports, in the form and containing such information as the state agency  
26 may from time to time require, and that it shall comply with all provisions which the state or  
27 federal agency may find necessary to assure the correctness and verification of such reports].

105.353. 1. Upon the request of the governing body of a **coverage group or the**  
2 **employees covered by a** retirement system, the governor shall authorize a referendum  
3 supervised by the office of administration, in accordance with the requirements of section  
4 218(d)(3) of the Social Security Act, on the question of whether service in positions covered by  
5 a retirement system established by the state or by a political subdivision thereof should be  
6 excluded from or included under an agreement under sections 105.300 to [105.440] **105.430**.  
7 The notice required by section 218(d)(3)(C) of the Social Security Act to be given to employees  
8 shall contain or be accompanied by a statement, in such form and detail necessary and sufficient,  
9 to inform the employees of the rights which will accrue to them and their dependents and  
10 survivors, and the liabilities to which they will be subject, if their services are included under an  
11 agreement under sections 105.300 to [105.440]. The public school retirement system of Missouri  
12 shall constitute a single retirement system and vote in a single referendum except that each state  
13 college and teachers' college and the department of elementary and secondary education shall be  
14 treated as a separate retirement system, shall vote in a separate referendum and shall determine  
15 its coverage independently of action taken by any other entity] **105.430**.

16           2. Upon receiving evidence satisfactory to him that with respect to any referendum the  
17 conditions specified in section 218(d)(3) of the Social Security Act have been met, the governor

18 shall so certify to the [Secretary of Health, Education and Welfare] **Commissioner of the Social**  
19 **Security Administration.**

20 3. In the event the employees in positions covered by the public school retirement system  
21 of Missouri, except employees of any state college or state teachers' college, vote to be included  
22 under an agreement under sections 105.300 to [105.440] **105.430**, the employing political  
23 subdivision, instrumentalities and the state shall enter into and execute an agreement with the  
24 state agency for extending the benefits of Title 2 of the Social Security Act (42 U.S.C.A. § 401  
25 et seq.) to their employees.

105.370. 1. Each political subdivision or instrumentality whose plan has been approved  
2 under section 105.350 shall pay to the [trustee with respect to wages at such times as the state  
3 agency may prescribe contributions in the amounts and at the rates specified in the agreement  
4 entered into by the state agency] **Internal Revenue Service contributions, together with any**  
5 **applicable interest and penalties, in the amounts and at the rates prescribed by federal law.**

6 2. Each political subdivision or instrumentality required to make payments under  
7 sections 105.300 to [105.440] **105.430** is authorized, in consideration of the employee's retention  
8 in, or entry upon, employment after the passage of sections 105.300 to [105.440] **105.430**, to  
9 impose upon its employees, as to services which are covered by an approved plan, a contribution  
10 with respect to wages, not exceeding the amount of the employee tax which would be imposed  
11 by the Federal Insurance Contributions Act (26 U.S.C.A. § 1400) and to deduct the amount of  
12 the contribution from the wages when paid. Contributions so collected shall be paid to the  
13 [trustee] **Internal Revenue Service** in partial discharge of the liability of the political  
14 subdivision or instrumentality. Failure to deduct the contribution shall not relieve the employee  
15 or employer of liability therefor.

105.375. Any county officer who is compensated wholly by fees derived from sources  
2 other than county or state moneys shall pay into the county treasury out of fees received by him  
3 amounts equal to the contributions required to be paid by the county under section 105.370 and  
4 shall collect from all deputies, assistants and employees in his office and turn over to the officer  
5 or agent of the county charged with the payment thereof to the [state agency] **Internal Revenue**  
6 **Service** the amounts required to be collected and paid under section 105.370.

105.400. The director of the division of accounting at such times as may be prescribed  
2 by federal law or regulation shall certify to the state treasurer the amount of the state's share of  
3 the contributions required to be paid to the federal agency on account of the officers and  
4 employees of each department, division, **or** agency [or unit of state government whose services  
5 are covered by an agreement entered into under section 105.310] **of the state**. Thereupon the  
6 state treasurer shall immediately transfer such amounts from the proper funds from which the  
7 officers and employees were paid to the "Contribution Fund" which is hereby created.

105.420. There are hereby authorized to be appropriated to the trustee [in addition to the  
2 contributions paid into the account under sections 105.340 to 105.375, to be available for the  
3 purpose of subsections 4 and 5 of section 105.390, until expended, such additional] **such** sums  
4 as are found to be necessary in order to make the payments to the federal agency which the state  
5 is obligated to make pursuant to an agreement entered into under section 105.310.

105.430. The state agency shall make and publish such rules and regulations, not  
2 inconsistent with the provisions of sections 105.300 to [105.440] **105.430**, as it finds necessary  
3 to the efficient administration of the provisions of sections 105.300 to [105.440] **105.430**.

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

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

29 contained in the plan documents. Employees who are employed by a state college or university  
30 shall not be automatically enrolled but may elect to participate in the plan and make  
31 contributions in accordance with the terms of the plan. Employees who are enrolled  
32 automatically may elect to change the contribution rate in accordance with the terms of the plan.  
33 Employees who elect not to participate in the plan may at a later date elect to participate in the  
34 plan and make contributions in accordance with the terms of the plan. All assets and income of  
35 such fund shall be held in trust by the board for the exclusive benefit of participants and their  
36 beneficiaries. Assets of such trust, and the trust established pursuant to section 105.927, may  
37 be pooled solely for investment management purposes with assets of the trust established under  
38 section 104.320.

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

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

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

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

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

61         8. Beginning on or after September 1, 2011, if a participant under the deferred  
62 compensation plan or the plan established under section 105.927 is married on the date of his or  
63 her death, the participant's surviving spouse shall be automatically designated as the primary  
64 beneficiary under both plans, unless the surviving spouse consented in writing, witnessed by a

65 notary public, to allow the participant to designate a nonspouse beneficiary. As used in this  
66 subsection, "surviving spouse" means the spouse as defined pursuant to section 104.012 to whom  
67 the participant is lawfully married on the date of death of the participant, provided that a former  
68 spouse shall be treated as the surviving spouse of the participant to the extent provided under a  
69 judgment, decree, or order that relates to child support, alimony payments, or marital property  
70 rights made under Missouri domestic relations law that creates or recognizes the existence of  
71 such former spouse's right to receive all or a portion expressed as a stated dollar amount or  
72 specific percentage stated in integers of the benefits payable from such plan upon the death of  
73 the participant. This subsection shall not apply to beneficiary designations made prior to  
74 September 1, 2011.

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

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

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

14 (1) A plan to provide adequate police protection within the area;

15 (2) A specific and practical process for individual businesses to obtain waivers from  
16 burdensome local regulations, ordinances, and orders which serve to discourage economic  
17 development within the area to be designated an enterprise zone; except that, such waivers shall  
18 not substantially endanger the health or safety of the employees of any such business or the  
19 residents of the area;

20 (3) A description of what other specific actions will be taken to support and encourage  
21 private investment within the area;

22 (4) A plan to ensure that resources are available to assist area residents to participate in  
23 increased development through self-help efforts and in ameliorating any negative effects of  
24 designation of the area as an enterprise zone;

25 (5) A statement describing the projected positive and negative effects of designation of  
26 the area as an enterprise zone; and

27 (6) A specific plan to provide assistance to any person or business dislocated as a result  
28 of activities within the zone. Such plan shall determine the need of dislocated persons for  
29 relocation assistance; provide, prior to displacement, information about the type, location and  
30 price of comparable housing or commercial property; provide information concerning state and  
31 federal programs for relocation assistance and provide other advisory services to displaced  
32 persons. Public agencies may choose to provide assistance under the Uniform Relocation and  
33 Real Property Acquisition Act, 42 U.S.C. section 4601, et seq. to meet the requirements of this  
34 subdivision.

35 3. [Notwithstanding the provisions of section 135.250, the director of the department of  
36 economic development shall, prior to the designation of any enterprise zone, submit to the joint  
37 committee on economic development policy and planning, established in section 620.602, rules  
38 and regulations pertaining to the designation of enterprise zones. Following approval by the joint  
39 committee, such rules and regulations shall be issued pursuant to the provisions of section  
40 536.021. Upon approval of an enterprise zone designation by the department, the director shall  
41 submit such enterprise zone designation to the joint committee for its approval. An enterprise  
42 zone designation shall be effective upon such approval by the joint committee. The director shall  
43 report annually to the joint committee the number and location of all enterprise zones designated,  
44 together with the business activity within each designated enterprise zone.

45 4.] No more than fifty such areas may be designated by the director as an enterprise zone  
46 under the provisions of this subsection, except that any enterprise zones authorized apart from  
47 this subsection by specific legislative enactment, on or after August 28, 1991, shall not be  
48 counted toward the limitation set forth in this subsection. After fifty enterprise zones, plus any  
49 others authorized apart from this subsection by specific legislative enactment first designated on  
50 or after August 28, 1991, have been designated by the director, additional enterprise zones may  
51 be authorized apart from this subsection by specific legislative enactment, except that if an  
52 enterprise zone designation is cancelled under the provision of subsection 5 of this section, the  
53 director may designate one area as an enterprise zone for each enterprise zone designation which  
54 is cancelled.

55 [5.] 4. Each designated enterprise zone or satellite zone must report to the director on an  
56 annual basis regarding the status of the zone and business activity within the zone. On the fifth  
57 anniversary of the designation of each zone after August 8, 1989, and each five years thereafter,



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County, Missouri.  
In the Matter of Foreclosure of Liens  
for Delinquent Land Taxes  
Collector of Revenue of . . . . .  
County, Missouri,  
  
Plaintiff,  
vs.  
Parcels of Land encumbered with  
Delinquent Tax Liens,  
Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I . . . . ., Sheriff of . . . . . County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the . . . . . front door of the . . . . . County Courthouse in . . . . ., Missouri, on . . . . ., the . . . . . day of . . . . ., 20.., and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of . . . . . (insert name of County), Missouri or Land Bank of the City of . . . . . (insert name of municipality), Missouri.

Any bid received shall be subject to confirmation by the court.

.....  
Sheriff of .....  
County, Missouri

.....  
Delinquent Land Tax Attorney  
Address: .....

51 First Publication . . . . .,

52 20. . .

53           3. Such advertisement shall be published four times, once a week, upon the same day of  
54 each week during successive weeks prior to the date of such sale, in a daily newspaper of general  
55 circulation regularly published in the county, qualified according to law for the publication of  
56 public notices and advertisements.

57           4. In addition to the provisions herein for notice and advertisement of sale, the county  
58 collector shall enter upon the property subject to foreclosure of these tax liens and post a written  
59 informational notice in any conspicuous location thereon. This notice shall describe the property  
60 and advise that it is the subject of delinquent land tax collection proceedings before the circuit  
61 court brought pursuant to sections 141.210 to 141.810 **and 141.980 to 141.1015** and that it may  
62 be sold for the payment of delinquent taxes at a sale to be held at ten o'clock a.m., date and place,  
63 and shall also contain a file number and the address and phone number of the collector. If the  
64 collector chooses to post such notices as authorized by this subsection, such posting must be  
65 made not later than the fourteenth day prior to the date of the sale.

66           5. The collector shall, concurrently with the beginning of the publication of sale, cause  
67 to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief  
68 notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to  
69 sections 141.210 to 141.810 **and 141.980 to 141.1015**, to the persons named in the petition as  
70 being the last known persons in whose names tax bills affecting the respective parcels of real  
71 estate described in said petition were last billed or charged on the books of the collector, or the  
72 last known owner of record, if different, and to the addresses of said persons upon said records  
73 of the collector. The terms "restricted", "registered" or "certified mail" as used in this section  
74 mean mail which carries on the face thereof in a conspicuous place, where it will not be  
75 obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires  
76 a return receipt or a statement by the postal authorities that the addressee refused to receive and  
77 receipt for such mail. If the notice is returned to the collector by the postal authorities as  
78 undeliverable for reasons other than the refusal by the addressee to receive and receipt for the  
79 notice as shown by the return receipt, then the collector shall make a search of the records  
80 maintained by the county, including those kept by the recorder of deeds, to discern the name and  
81 address of any person who, from such records, appears as a successor to the person to whom the  
82 original notice was addressed, and to cause another notice to be mailed to such person. The  
83 collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit  
84 reciting to the court any name, address and serial number of the tract of real estate affected of any  
85 such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt  
86 for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name

87 or address does not appear on the records of the collector, then of that fact. The affidavit in  
88 addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

89 6. The collector may, at his or her option, concurrently with the beginning of the  
90 publication of sale, cause to be prepared and sent by restricted, registered or certified mail with  
91 postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure  
92 of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if  
93 known, of the respective parcels of real estate described in said petition, and to the addressee of  
94 such mortgagee or security holder according to the records of the collector. The terms  
95 "restricted", "registered" or "certified mail" as used in this section mean mail which carries on  
96 the face thereof in a conspicuous place, where it will not be obliterated, the endorsement,  
97 "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement  
98 by the postal authorities that the addressee refused to receive and receipt for such mail. If the  
99 notice is returned to the collector by the postal authorities as undeliverable for reasons other than  
100 the refusal by the addressee to receive and receipt for the notice as shown by the return receipt,  
101 then the collector shall make a search of the records maintained by the county, including those  
102 kept by the recorder of deeds, to discern the name and address of any security holder who, from  
103 such records, appears as a successor to the security holder to whom the original notice was  
104 addressed, and to cause another notice to be mailed to such security holder. The collector shall  
105 prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the  
106 court any name, address and serial number of the tract of real estate affected by any such notices  
107 of sale that are undeliverable because of an addressee's refusal to receive and receipt for the  
108 same, or of any notice otherwise nondeliverable by mail, and stating the reason for the  
109 nondelivery of such notice.

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

10 2. For purposes of this section:

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

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

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

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

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

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

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

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

36 7. Any overpayment resulting from a carryback of a tax credit, including but not limited  
37 to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been  
38 made prior to the close of the taxable year in which the tax credit was authorized. [In fiscal year  
39 2003, the commissioner of administration shall estimate the amount of any additional state  
40 revenue received pursuant to the provisions of this subsection and shall transfer an equivalent  
41 amount of general revenue to the schools of the future fund created in section 163.005.]

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

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

14           (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of  
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be  
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing  
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into  
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or  
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will  
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at  
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide  
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the  
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,  
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which  
25 are to be sold ultimately in processed form at retail;

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

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

38           (4) [ Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers  
39 pulled by such motor vehicles, that are actually used in the normal course of business to haul  
40 property on the public highways of the state, and that are capable of hauling loads commensurate  
41 with the motor vehicle's registered weight; and the materials, replacement parts, and equipment  
42 purchased for use directly upon, and for the repair and maintenance or manufacture of such  
43 vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the  
44 meaning as ascribed in section 390.020;

45           (5)] Replacement machinery, equipment, and parts and the materials and supplies solely  
46 required for the installation or construction of such replacement machinery, equipment, and  
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is  
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and  
49 the materials and supplies required solely for the operation, installation or construction of such  
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,  
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material  
52 recovery processing plant" means a facility that has as its primary purpose the recovery of  
53 materials into a product or a different form which is used in producing a new product and shall  
54 include a facility or equipment which are used exclusively for the collection of recovered  
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles  
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have  
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials  
58 within a manufacturing process or the use of a product previously recovered. The material  
59 recovery processing plant shall qualify under the provisions of this section regardless of  
60 ownership of the material being recovered;

61           [(6)] (5) Machinery and equipment, and parts and the materials and supplies solely  
62 required for the installation or construction of such machinery and equipment, purchased and  
63 used to establish new or to expand existing manufacturing, mining or fabricating plants in the  
64 state if such machinery and equipment is used directly in manufacturing, mining or fabricating  
65 a product which is intended to be sold ultimately for final use or consumption;

66           [(7)] (6) Tangible personal property which is used exclusively in the manufacturing,  
67 processing, modification or assembling of products sold to the United States government or to  
68 any agency of the United States government;

69           [(8)] (7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70           [(9)] (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates  
71 and other machinery, equipment, replacement parts and supplies used in producing newspapers  
72 published for dissemination of news to the general public;

73           [(10)] (9) The rentals of films, records or any type of sound or picture transcriptions for  
74 public commercial display;

75           [(11)] (10) Pumping machinery and equipment used to propel products delivered by  
76 pipelines engaged as common carriers;

77           [(12)] (11) Railroad rolling stock for use in transporting persons or property in interstate  
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or  
79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of  
80 persons or property;

81           [(13)] **(12)** Electrical energy used in the actual primary manufacture, processing,  
82 compounding, mining or producing of a product, or electrical energy used in the actual secondary  
83 processing or fabricating of the product, or a material recovery processing plant as defined in  
84 subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost  
85 of electrical energy so used exceeds ten percent of the total cost of production, either primary or  
86 secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such  
87 processing contain at least twenty-five percent recovered materials as defined in section 260.200.  
88 There shall be a rebuttable presumption that the raw materials used in the primary manufacture  
89 of automobiles contain at least twenty-five percent recovered materials. For purposes of this  
90 subdivision, "processing" means any mode of treatment, act or series of acts performed upon  
91 materials to transform and reduce them to a different state or thing, including treatment necessary  
92 to maintain or preserve such processing by the producer at the production facility;

93           [(14)] **(13)** Anodes which are used or consumed in manufacturing, processing,  
94 compounding, mining, producing or fabricating and which have a useful life of less than one  
95 year;

96           [(15)] **(14)** Machinery, equipment, appliances and devices purchased or leased and used  
97 solely for the purpose of preventing, abating or monitoring air pollution, and materials and  
98 supplies solely required for the installation, construction or reconstruction of such machinery,  
99 equipment, appliances and devices;

100           [(16)] **(15)** Machinery, equipment, appliances and devices purchased or leased and used  
101 solely for the purpose of preventing, abating or monitoring water pollution, and materials and  
102 supplies solely required for the installation, construction or reconstruction of such machinery,  
103 equipment, appliances and devices;

104           [(17)] **(16)** Tangible personal property purchased by a rural water district;

105           [(18)] **(17)** All amounts paid or charged for admission or participation or other fees paid  
106 by or other charges to individuals in or for any place of amusement, entertainment or recreation,  
107 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated  
108 by a municipality or other political subdivision where all the proceeds derived therefrom benefit  
109 the municipality or other political subdivision and do not inure to any private person, firm, or  
110 corporation;

111           [(19)] **(18)** All sales of insulin and prosthetic or orthopedic devices as defined on January  
112 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of  
113 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically  
114 including hearing aids and hearing aid supplies and all sales of drugs which may be legally  
115 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to  
116 administer those items, including samples and materials used to manufacture samples which may

117 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of  
118 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and  
119 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille  
120 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with  
121 one or more physical or mental disabilities to enable them to function more independently, all  
122 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic  
123 alternative and augmentative communication devices, and items used solely to modify motor  
124 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of  
125 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by  
126 the Food and Drug Administration to meet the over-the-counter drug product labeling  
127 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner  
128 licensed to prescribe;

129       [(20)] **(19)** All sales made by or to religious and charitable organizations and institutions  
130 in their religious, charitable or educational functions and activities and all sales made by or to  
131 all elementary and secondary schools operated at public expense in their educational functions  
132 and activities;

133       [(21)] **(20)** All sales of aircraft to common carriers for storage or for use in interstate  
134 commerce and all sales made by or to not-for-profit civic, social, service or fraternal  
135 organizations, including fraternal organizations which have been declared tax-exempt  
136 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as  
137 amended, in their civic or charitable functions and activities and all sales made to eleemosynary  
138 and penal institutions and industries of the state, and all sales made to any private not-for-profit  
139 institution of higher education not otherwise excluded pursuant to subdivision (20) of this  
140 subsection or any institution of higher education supported by public funds, and all sales made  
141 to a state relief agency in the exercise of relief functions and activities;

142       [(22)] **(21)** All ticket sales made by benevolent, scientific and educational associations  
143 which are formed to foster, encourage, and promote progress and improvement in the science of  
144 agriculture and in the raising and breeding of animals, and by nonprofit summer theater  
145 organizations if such organizations are exempt from federal tax pursuant to the provisions of the  
146 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any  
147 fair conducted by a county agricultural and mechanical society organized and operated pursuant  
148 to sections 262.290 to 262.530;

149       [(23)] **(22)** All sales made to any private not-for-profit elementary or secondary school,  
150 all sales of feed additives, medications or vaccines administered to livestock or poultry in the  
151 production of food or fiber, all sales of pesticides used in the production of crops, livestock or  
152 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for

153 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for  
154 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel  
155 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible  
156 new generation cooperative or an eligible new generation processing entity as defined in section  
157 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and  
158 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed  
159 additives" means tangible personal property which, when mixed with feed for livestock or  
160 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term  
161 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted  
162 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark  
163 the application of pesticides and herbicides for the production of crops, livestock or poultry. As  
164 used in this subdivision, the term "farm machinery and equipment" means new or used farm  
165 tractors and such other new or used farm machinery and equipment and repair or replacement  
166 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary  
167 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,  
168 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,  
169 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and  
170 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 171 (a) Used exclusively for agricultural purposes;  
172 (b) Used on land owned or leased for the purpose of producing farm products; and  
173 (c) Used directly in producing farm products to be sold ultimately in processed form or  
174 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold  
175 ultimately in processed form at retail;

176 [(24)] **(23)** Except as otherwise provided in section 144.032, all sales of metered water  
177 service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home  
178 heating oil for domestic use and in any city not within a county, all sales of metered or unmetered  
179 water service for domestic use:

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

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

198 (c) Each person making domestic use purchases of services or property and who uses any  
199 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day  
200 of the fourth month following the year of purchase, and without assessment, notice or demand,  
201 file a return and pay sales tax on that portion of nondomestic purchases. Each person making  
202 nondomestic purchases of services or property and who uses any portion of the services or  
203 property so purchased for domestic use, and each person making domestic purchases on behalf  
204 of occupants of residential apartments or condominiums through a single or master meter,  
205 including service for common areas and facilities and vacant units, under a nonresidential utility  
206 service rate classification may, between the first day of the first month and the fifteenth day of  
207 the fourth month following the year of purchase, apply for credit or refund to the director of  
208 revenue and the director shall give credit or make refund for taxes paid on the domestic use  
209 portion of the purchase. The person making such purchases on behalf of occupants of residential  
210 apartments or condominiums shall have standing to apply to the director of revenue for such  
211 credit or refund;

212 [(25)] (24) All sales of handcraft items made by the seller or the seller's spouse if the  
213 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from  
214 such sales do not constitute a majority of the annual gross income of the seller;

215 [(26)] (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061,  
216 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The  
217 director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local  
218 sales taxes on such excise taxes;

219 [(27)] (26) Sales of fuel consumed or used in the operation of ships, barges, or  
220 waterborne vessels which are used primarily in or for the transportation of property or cargo, or  
221 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this  
222 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel  
223 while it is afloat upon such river;

224 [(28)] (27) All sales made to an interstate compact agency created pursuant to sections  
225 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities  
226 of such agency as provided pursuant to the compact;

227 [(29)] (28) Computers, computer software and computer security systems purchased for  
228 use by architectural or engineering firms headquartered in this state. For the purposes of this  
229 subdivision, "headquartered in this state" means the office for the administrative management  
230 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

231 [(30)] (29) All livestock sales when either the seller is engaged in the growing, producing  
232 or feeding of such livestock, or the seller is engaged in the business of buying and selling,  
233 bartering or leasing of such livestock;

234 [(31)] (30) All sales of barges which are to be used primarily in the transportation of  
235 property or cargo on interstate waterways;

236 [(32)] (31) Electrical energy or gas, whether natural, artificial or propane, water, or other  
237 utilities which are ultimately consumed in connection with the manufacturing of cellular glass  
238 products or in any material recovery processing plant as defined in subdivision (5) of this  
239 subsection;

240 [(33)] (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides  
241 or herbicides used in the production of crops, aquaculture, livestock or poultry;

242 [(34)] (33) Tangible personal property and utilities purchased for use or consumption  
243 directly or exclusively in the research and development of agricultural/biotechnology and plant  
244 genomics products and prescription pharmaceuticals consumed by humans or animals;

245 [(35)] (34) All sales of grain bins for storage of grain for resale;

246 [(36)] (35) All sales of feed which are developed for and used in the feeding of pets  
247 owned by a commercial breeder when such sales are made to a commercial breeder, as defined  
248 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

249 [(37)] (36) All purchases by a contractor on behalf of an entity located in another state,  
250 provided that the entity is authorized to issue a certificate of exemption for purchases to a  
251 contractor under the provisions of that state's laws. For purposes of this subdivision, the term  
252 "certificate of exemption" shall mean any document evidencing that the entity is exempt from  
253 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.  
254 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's  
255 exemption certificate as evidence of the exemption. If the exemption certificate issued by the  
256 exempt entity to the contractor is later determined by the director of revenue to be invalid for any  
257 reason and the contractor has accepted the certificate in good faith, neither the contractor or the  
258 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result  
259 of use of the invalid exemption certificate. Materials shall be exempt from all state and local

260 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible  
261 personal property which is used in fulfilling a contract for the purpose of constructing, repairing  
262 or remodeling facilities for the following:

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

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

268 [(38)] (37) All sales or other transfers of tangible personal property to a lessor who leases  
269 the property under a lease of one year or longer executed or in effect at the time of the sale or  
270 other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or  
271 sections 238.010 to 238.100;

272 [(39)] (38) Sales of tickets to any collegiate athletic championship event that is held in  
273 a facility owned or operated by a governmental authority or commission, a quasi-governmental  
274 agency, a state university or college or by the state or any political subdivision thereof, including  
275 a municipality, and that is played on a neutral site and may reasonably be played at a site located  
276 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that  
277 is not located on the campus of a conference member institution participating in the event;

278 [(40)] (39) All purchases by a sports complex authority created under section 64.920, and  
279 all sales of utilities by such authority at the authority's cost that are consumed in connection with  
280 the operation of a sports complex leased to a professional sports team;

281 [(41)] (40) Beginning January 1, 2009, but not after January 1, 2015, materials,  
282 replacement parts, and equipment purchased for use directly upon, and for the modification,  
283 replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

284 [(42)] (41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range  
285 or similar places of business for use in the normal course of business and money received by a  
286 shooting range or similar places of business from patrons and held by a shooting range or similar  
287 place of business for redistribution to patrons at the conclusion of a shooting event;

288 (42) **Motor vehicles registered in excess of fifty-four thousand pounds, and the**  
289 **trailers pulled by such motor vehicles, that are actually used in the normal course of**  
290 **business to haul property on the public highways of the state, and that are capable of**  
291 **hauling loads commensurate with the motor vehicle's registered weight; and the materials,**  
292 **replacement parts, and equipment purchased for use directly upon, and for the repair and**  
293 **maintenance or manufacture of such vehicles. For purposes of this subdivision "motor**  
294 **vehicle" and "public highway" shall have the meaning as ascribed in section 390.020.**

144.450. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by [him] **such person** on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by subdivision (9) of subsection 1 of section 144.020 shall not apply:

(1) To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

(2) To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

(3) To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

(4) To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

(5) Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

(6) To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; [or]

(7) To farm tractors;

**(8) To motor vehicles, trailers, boats, or outboard motors owned and used by nonprofit civic, social, service, or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations under Section 501(c)(8) or (10) of the Internal Revenue Code of 1986, as amended, in their civic or charitable functions and activities; and**

**(9) To any transfer exempt under section 144.617.**

147.020. 1. For each taxable year beginning on or after January 1, 1980, **but ending on or before December 31, 2015**, every corporation liable for the tax prescribed in section 147.010 shall make a report in writing showing the financial condition of the corporation at the beginning of business on the first day of its taxable year to the director of revenue annually on or before the

5 due date of the corporation's state income tax return pursuant to chapter 143 in such form as the  
6 director of revenue may prescribe. The report shall be signed by an officer of the corporation.

7

8 2. For each taxable year beginning on or after January 1, 1980, **but ending on or before**  
9 **December 31, 2015**, if a corporation obtains an extension of time for filing its annual Missouri  
10 income tax return pursuant to section 143.551, such corporation shall also be granted a  
11 corresponding extension of time for filing the report required pursuant to sections 147.010 to  
12 147.120 for its taxable year immediately succeeding the taxable year for which the income tax  
13 extension is granted.

14 3. Every corporation having a transitional year liable for the tax prescribed in section  
15 147.010 shall make a report in writing, showing the financial condition of the corporation at the  
16 beginning of business on the first day of its transitional year, on or before April 15, 1980, in such  
17 form as the director may prescribe. The report shall be signed by an officer of the corporation.

18

147.050. 1. For each taxable year beginning on or after January 1, 1980, **but ending on**  
2 **or before December 31, 2015**, every corporation organized pursuant to any laws of this state and  
3 every foreign corporation engaged in business in this state and having no shares shall make a  
4 report in writing to the director of revenue, annually, on or before the fifteenth day of the fourth  
5 month of the corporation's taxable year, in the form as the director of revenue may prescribe.

6 2. The report shall be signed by an officer of the corporation, and forwarded to the  
7 director of revenue.

8 3. Every corporation having a transitional year and coming under the provisions of this  
9 section shall make the report required in this section on or before the fifteenth day of April, 1980.

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

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

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

12 4. The committee shall:

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

15 (2) Receive reports from the commissioner of education concerning the public schools  
16 and from the commissioner of higher education concerning institutions of higher education;

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

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

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

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

25 (7) Conduct studies and analysis regarding:

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

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

30 (8) Annually review the collection of information under section 173.093 to facilitate a  
31 more accurate comparison of the actual costs at public and private higher education institutions;

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

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

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

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

49           6.] The committee may make reasonable requests for staff assistance from the research  
50 and appropriations staffs of the house and senate and the committee on legislative research, as  
51 well as the department of elementary and secondary education, the department of higher  
52 education, the coordinating board for higher education, the state tax commission, the department  
53 of economic development, all school districts and other political subdivisions of this state,  
54 teachers and teacher groups, business and other commercial interests and any other interested  
55 persons.

56           [7.] 6. Members of the committee shall receive no compensation but may be reimbursed  
57 for reasonable and necessary expenses associated with the performance of their official duties.  
58

          160.534. [1.] For fiscal year 1996 and each subsequent fiscal year, any amount of the  
2 excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess  
3 of the amount transferred to the school district bond fund as provided in section 164.303 shall  
4 be transferred to the classroom trust fund. Such moneys shall be distributed in the manner  
5 provided in section 163.043.

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

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

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

2           (1) Engage in the practice of teaching or the performance of education duties in grades  
3 kindergarten through twelve in any public school in the state;

4           (2) Act as a school administrator in any public school district[, unless such person  
5 obtains a temporary administrator certificate pursuant to section 168.083].

          170.051. 1. As used in this section, the term "textbook" means workbooks, manuals, or  
2 other books, whether bound or in loose-leaf form, intended for use as a principal source of study  
3 material for a given class or group of students, a copy of which is expected to be available for  
4 the individual use of each pupil in such class or group.

5           2. Each public school board shall purchase and loan free all textbooks for all children  
6 who are enrolled in grades kindergarten through twelve in the public schools of the district, and  
7 may purchase textbooks and instructional materials for prekindergarten students.

8           3. [Only textbooks which are filed with the state board of education pursuant to section  
9 170.061 shall be purchased and loaned under this section. No textbooks shall be purchased or  
10 loaned under this section to be used in any form of religious instruction or worship.

11           4.] Each school board shall purchase from the incidental fund of the district all the new  
12 or used textbooks for all the pupils in all grades and preschool programs of the public schools  
13 of the district. The board may also expend incidental fund moneys to provide supplementary  
14 texts, library and reference books, contractual educational television services, and any other  
15 instructional supplies for all the pupils of the public schools of the district. All books purchased  
16 from district funds are the property of the district but shall be furnished, under rules and  
17 regulations prescribed by the school board, to the pupils without charge, except for abuse or  
18 willful destruction.

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

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

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

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

19           [5.] 4. The commissioner of education may provide, for any school district in which  
20 schools are in session for twelve months of each calendar year that cannot meet the minimum  
21 school calendar requirement of at least one hundred seventy-four days for schools with a five-day  
22 school week or one hundred forty-two days for schools with a four-day school week and one

23 thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from  
24 such requirement. This waiver shall be requested from the commissioner of education and may  
25 be granted if the school was closed due to circumstances beyond school district control,  
26 including inclement weather, flooding or fire.

194.255. 1. An anatomical gift may be made to the following persons named in the  
2 document of gift:

3 (1) A hospital, accredited medical school, dental school, college, university, or organ  
4 procurement organization, cadaver procurement organization, or other appropriate person for  
5 research or education;

6 (2) Subject to subsection 2 of this section, an individual designated by the person making  
7 the anatomical gift if the individual is the recipient of the part; or

8 (3) An eye bank or tissue bank.

9 2. If an anatomical gift to an individual under subdivision (2) of subsection 1 of this  
10 section cannot be transplanted into the individual, the part passes in accordance with subsection  
11 7 of this section in the absence of an express, contrary indication by the person making the  
12 anatomical gift.

13 3. If an anatomical gift of one or more specific parts or of all parts is made in a document  
14 of gift that does not name a person described in subsection 1 of this section but identifies the  
15 purpose for which an anatomical gift may be used, the following rules apply:

16 (1) If the part is an eye and the gift is for the purpose of transplantation or therapy, the  
17 gift passes to the appropriate eye bank;

18 (2) If the part is tissue and the gift is for the purpose of transplantation or therapy, the  
19 gift passes to the appropriate tissue bank;

20 (3) If the part is an organ and the gift is for the purpose of transplantation or therapy, the  
21 gift passes to the appropriate organ procurement organization as custodian of the organ;

22 (4) If the part is an organ, an eye, or tissue and the gift is for the purpose of research or  
23 education, the gift passes to the appropriate procurement organization.

24 4. For the purpose of subsection 3 of this section, if there is more than one purpose of  
25 an anatomical gift set forth in the document of gift but the purposes are not set forth in any  
26 priority, the gift must be used for transplantation or therapy if suitable. If the gift cannot be used  
27 for transplantation or therapy, the gift may be used for research or education.

28 5. If an anatomical gift of one or more specific parts is made in a document of gift that  
29 does not name a person described in subsection 1 of this section and does not identify the  
30 purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes  
31 in accordance with subsection 7 of this section.

32           6. If a document of gift specifies only a general intent to make an anatomical gift by  
33 words such as "donor", "organ donor", or "body donor", or by a symbol or statement of similar  
34 import, the gift may be used only for transplantation or therapy, and the gift passes in accordance  
35 with subsection 7 of this section.

36           7. For purposes of subsections 2, 5, and 6 of this section, the following rules apply:

37           (1) If the part is an eye, the gift passes to the appropriate eye bank;

38           (2) If the part is tissue, the gift passes to the appropriate tissue bank;

39           (3) If the part is an organ, the gift passes to the appropriate organ procurement  
40 organization as custodian of the organ;

41           (4) If the gift is medically unsuitable for [transportation] **transplantation** or therapy, the  
42 gift may be used for research or education and pass to the appropriate procurement organization  
43 or cadaver procurement organization.

44           8. An anatomical gift of an organ for transplantation or therapy, other than an anatomical  
45 gift under subdivision (2) of subsection 1 of this section, passes to the organ procurement  
46 organization as custodian of the organ.

47           9. If an anatomical gift does not pass under subsections 1 through 8 of this section or the  
48 decedent's body or part is not used for transplantation, therapy, research, or education, custody  
49 of the body or part passes to the person under obligation to dispose of the body or part.

50           10. A person may not accept an anatomical gift if the person knows that the gift was not  
51 effectively made under section 194.225 or 194.250 or if the person knows that the decedent made  
52 a refusal under section 194.235 that was not revoked. For purposes of this subsection, if a person  
53 knows that an anatomical gift was made on a document of gift, the person is deemed to know  
54 of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same  
55 document of gift.

56           11. A person may not accept an anatomical gift if the person knows that the gift is from  
57 the body of an executed prisoner from another country.

58           12. Except as otherwise provided in subdivision (2) of subsection 1 of this section,  
59 nothing in this act affects the allocation of organs for transplantation or therapy.

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

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

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

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

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

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

15 4.] The director may promulgate rules necessary to effect the purpose of sections  
16 196.1020 to 196.1035. Any rule or portion of a rule, as that term is defined in section 536.010  
17 that is created under the authority delegated in this section shall become effective only if it  
18 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
19 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
20 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
21 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
22 and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

23 [5.] 4. There is hereby created in the state treasury the "Tobacco Control Special Fund",  
24 which shall consist of money collected under this section. The state treasurer shall be custodian  
25 of the fund and may approve disbursements from the fund in accordance with sections 30.170  
26 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration  
27 of this section. Any moneys remaining in the fund at the end of the biennium shall revert to the  
28 credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the  
29 same manner as other funds are invested. Any interest and moneys earned on such investments  
30 shall be credited to the fund.

31 [6.] 5. If a court of competent jurisdiction determines that a person has violated sections  
32 196.1020 to 196.1035, such court shall order any profits, gains, gross receipts, or other benefits  
33 from such violation be disgorged and paid to the state treasurer for deposit in the "Tobacco  
34 Control Special Fund" **which is hereby created**. Unless otherwise expressly provided, the  
35 remedies or penalties provided by sections 196.1020 to 196.1035 are cumulative to each other  
36 and to the remedies or penalties available under all other laws of this state.

37 [7.] 6. If a court of competent jurisdiction finds that the provisions of sections 196.1003  
38 and 196.1020 to 196.1035 conflict and cannot be harmonized, the provisions of section 196.1003  
39 shall control. If any section or portion of a section in sections 196.1020 to 196.1035 causes  
40 section 196.1003 to no longer constitute a qualifying or model statute, as those terms are defined  
41 in the master settlement agreement, that portion of sections 196.1020 to 196.1035 shall be  
42 invalid.

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

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

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

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

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

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

(6) One representative of the state hospital association;

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

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

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

(10) One public member who has no financial interest in the health care industry and who has not been an employee of the state within the last five years; and

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

2. The members of the oversight committee, other than the members from the general assembly and ex officio members, shall be appointed by the governor with the advice and consent of the senate. A chair of the oversight committee shall be selected by the members of the oversight committee. Of the members first appointed to the oversight committee by the governor, eight members shall serve a term of two years, seven members shall serve a term of one year, and thereafter, members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the oversight committee shall be filled in the same manner as the original appointment. Members shall serve

37 on the oversight committee without compensation but may be reimbursed for their actual and  
38 necessary expenses from moneys appropriated to the department of social services for that  
39 purpose. The department of social services shall provide technical, actuarial, and administrative  
40 support services as required by the oversight committee. The oversight committee shall:

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

44 (2) Review the participant and provider satisfaction reports and the reports of health  
45 outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices  
46 as required of the health improvement plans and the department of social services under section  
47 208.950;

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

50 (4) Review the results of studies comparing health plans conducted under section  
51 208.950;

52 (5) Review the data from health risk assessments collected and reported under section  
53 208.950;

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

55 (7) Advise and approve proposed design and implementation proposals for new health  
56 improvement plans submitted by the department, as well as make recommendations and suggest  
57 modifications when necessary;

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

63 (9) Present significant findings of the analysis required in subdivision (8) of this  
64 subsection in a report to the general assembly and governor, at least annually, beginning January  
65 1, 2009;

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

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

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

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

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

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

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

86 4.] The oversight committee shall designate a subcommittee devoted to advising the  
87 department on the development of a comprehensive entry point system for long-term care that  
88 shall:

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

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

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

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

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

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

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

102 [5.] 4. The subcommittee shall include the following members:

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

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

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

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

- 109 (5) One member representing assisted living facilities or continuing care retirement  
110 communities, predominantly serving MO HealthNet participants, designated by the governor;
- 111 (6) One member representing skilled nursing facilities, predominantly serving MO  
112 HealthNet participants, designated by the governor;
- 113 (7) One member from the office of the state ombudsman for long-term care facility  
114 residents, designated by the governor;
- 115 (8) One member representing Missouri centers for independent living, designated by the  
116 governor;
- 117 (9) One consumer representative with expertise in services for seniors or persons with  
118 a disability, designated by the governor;
- 119 (10) One member with expertise in Alzheimer's disease or related dementia;
- 120 (11) One member from a county developmental disability board, designated by the  
121 governor;
- 122 (12) One member representing the hospice care profession, designated by the governor;
- 123 (13) One member representing the home health care profession, designated by the  
124 governor;
- 125 (14) One member representing the adult day care profession, designated by the governor;
- 126 (15) One member gerontologist, designated by the governor;
- 127 (16) Two members representing the aged, blind, and disabled population, not of the same  
128 geographic area or demographic group designated by the governor;
- 129 (17) The directors of the departments of social services, mental health, and health and  
130 senior services, or their designees; and
- 131 (18) One member of the house of representatives and one member of the senate serving  
132 on the oversight committee, designated by the oversight committee chair.

133

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

138 [6. By October 1, 2008, the comprehensive entry point system subcommittee shall  
139 submit its report to the governor and general assembly containing recommendations for the  
140 implementation of the comprehensive entry point system, offering suggested legislative or  
141 administrative proposals deemed necessary by the subcommittee to minimize conflict of interests  
142 for successful implementation of the system. Such report shall contain, but not be limited to,  
143 recommendations for implementation of the following consistent with the provisions of section  
144 208.950:

145 (1) A complete statewide universal information and assistance system that is integrated  
146 into the web-based electronic patient health record that can be accessible by phone, in-person,  
147 via MO HealthNet providers and via the internet that connects consumers to services or  
148 providers and is used to establish consumers' needs for services. Through the system, consumers  
149 shall be able to independently choose from a full range of home, community-based, and  
150 facility-based health and social services as well as access appropriate services to meet individual  
151 needs and preferences from the provider of the consumer's choice;

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

154 (3) A preadmission screening mechanism for MO HealthNet participants for nursing  
155 home care;

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

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

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

163 8.] 5. The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.  
164

210.114. 1. Except as otherwise provided in section 207.085, a private contractor, as  
2 defined in [subdivision (4) of] section 210.110, with the children's division that receives state  
3 moneys from the division or the department for providing services to children and their families  
4 shall have qualified immunity from civil liability for providing such services when the child is  
5 not in the physical care of such private contractor to the same extent that the children's division  
6 has qualified immunity from civil liability when the division or department directly provides  
7 such services.

8 2. This section shall not apply if a private contractor described above knowingly violates  
9 a stated or written policy of the division, any rule promulgated by the division, or any state law  
10 directly related to child abuse and neglect, or any state law directly related to the child abuse and  
11 neglect activities of the division or any local ordinance relating to the safety condition of the  
12 property.

226.805. 1. There is hereby created the "Interagency Committee on Special  
2 Transportation" within the Missouri department of transportation. The members of the  
3 committee shall be: the [assistant for transportation] **director** of the Missouri department of  
4 transportation, or [his] **the director's** designee; the [assistant] **deputy** commissioner of the

5 department of elementary and secondary education, responsible for special transportation, or  
6 [his] **the deputy commissioner's** designee; the director of the division of [aging] **senior and**  
7 **disability services** of the department of [social] **health and senior** services, or [his] **the**  
8 **director's** designee; the director of the **family support** division [of family services] of the  
9 department of social services, or [his] **the director's** designee; the [deputy] director [for mental  
10 retardation/developmental] **of the division of developmental** disabilities and the [deputy]  
11 director [for administration] **of the division of administrative services** of the department of  
12 mental health, or [their] **the directors'** designees; the executive [secretary ] **director** of the  
13 governor's [committee on the employment of the handicapped] **council on disability**; and other  
14 state agency representatives as the governor deems appropriate for temporary or permanent  
15 membership by executive order.

16 2. The interagency committee on special transportation shall:

17 (1) Jointly designate substate special transportation planning and service areas within  
18 the state;

19 (2) Jointly designate a special transportation planning council for each special  
20 transportation planning and service area. The special transportation planning council shall be  
21 composed of the area agency on aging, the regional center for developmental disabilities, the  
22 regional planning commission and other local organizations responsible for funding and  
23 organizing special transportation designated by the interagency committee. The special  
24 transportation planning councils will oversee and approve the preparation of special  
25 transportation plans. Staff support for the special transportation planning councils will be  
26 provided by the regional planning commissions serving the area with funds provided by the  
27 department of transportation for this purpose;

28 (3) Jointly establish a uniform planning format and content;

29 (4) Individually and jointly establish uniform budgeting and reporting standards for all  
30 transportation funds administered by the member agencies. These standards shall be adopted  
31 into the administrative rules of each member agency;

32 (5) Individually establish annual allocations of funds to support special transportation  
33 services in each of the designated planning and service areas;

34 (6) Individually and jointly adopt a five-year planning budget for the capital and  
35 operating needs of special transportation in Missouri;

36 (7) Individually develop administrative and adopt rules for the substate division of  
37 special transportation funds;

38 (8) Jointly review and accept annual capital and operating plans for the designated  
39 special transportation planning and service areas;

40 (9) Individually submit proposed expenditures to the interagency committee for review  
41 as to conformity with the areas special transportation plans. All expenditures are to be made in  
42 accordance with the plans or by special action of the interagency committee.

43 3. The assistant for transportation of the Missouri department of transportation shall  
44 serve as chairman of the committee.

45 4. Staff for the committee shall be provided by the Missouri department of  
46 transportation.

47 5. The committee shall meet on such a schedule and carry out its duties in such a way  
48 as to discharge its responsibilities over special transportation expenditures made for the state  
49 fiscal year beginning July 1, 1989, and all subsequent years.

288.036. 1. "Wages" means all remuneration, payable or paid, for personal services  
2 including commissions and bonuses and, except as provided in subdivision (7) of this section,  
3 the cash value of all remuneration paid in any medium other than cash. Gratuities, including tips  
4 received from persons other than the employing unit, shall be considered wages only if required  
5 to be reported as wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Sec. 3306,  
6 and shall be, for the purposes of this chapter, treated as having been paid by the employing unit.  
7 Severance pay shall be considered as wages to the extent required pursuant to the Federal  
8 Unemployment Tax Act, 26 U.S.C. Section 3306(b). Vacation pay and holiday pay shall be  
9 considered as wages for the week with respect to which it is payable. The term "wages" shall  
10 not include:

11 (1) The amount of any payment made (including any amount paid by an employing unit  
12 for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of,  
13 an individual under a plan or system established by an employing unit which makes provision  
14 generally for individuals performing services for it or for a class or classes of such individuals,  
15 on account of:

16 (a) Sickness or accident disability, but in case of payments made to an employee or any  
17 of the employee's dependents this paragraph shall exclude from the term wages only payments  
18 which are received pursuant to a workers' compensation law; or

19 (b) Medical and hospitalization expenses in connection with sickness or accident  
20 disability; or

21 (c) Death;

22 (2) The amount of any payment on account of sickness or accident disability, or medical  
23 or hospitalization expenses in connection with sickness or accident disability, made by an  
24 employing unit to, or on behalf of, an individual performing services for it after the expiration  
25 of six calendar months following the last calendar month in which the individual performed  
26 services for such employing unit;

27 (3) The amount of any payment made by an employing unit to, or on behalf of, an  
28 individual performing services for it or his or her beneficiary:

29 (a) From or to a trust described in 26 U.S.C. 401(a) which is exempt from tax pursuant  
30 to 26 U.S.C. 501(a) at the time of such payment unless such payment is made to an employee  
31 of the trust as remuneration for services rendered as such an employee and not as a beneficiary  
32 of the trust; or

33 (b) Under or to an annuity plan which, at the time of such payments, meets the  
34 requirements of Section 404(a)(2) of the Federal Internal Revenue Code (26 U.S.C.A. Sec. 404);

35 (4) The amount of any payment made by an employing unit (without deduction from the  
36 remuneration of the individual in employment) of the tax imposed pursuant to Section 3101 of  
37 the Federal Internal Revenue Code (26 U.S.C.A. Sec. 3101) upon an individual with respect to  
38 remuneration paid to an employee for domestic service in a private home or for agricultural  
39 labor;

40 (5) Remuneration paid in any medium other than cash to an individual for services not  
41 in the course of the employing unit's trade or business;

42 (6) Remuneration paid in the form of meals provided to an individual in the service of  
43 an employing unit where such remuneration is furnished on the employer's premises and at the  
44 employer's convenience, except that remuneration in the form of meals that is considered wages  
45 and required to be reported as wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C.  
46 Sec. 3306 shall be reported as wages as required thereunder;

47 (7) For the purpose of determining wages paid for agricultural labor as defined in  
48 paragraph (b) of subdivision (1) of subsection 12 of section 288.034 and for domestic service as  
49 defined in subsection 13 of section 288.034, only cash wages paid shall be considered;

50 (8) Beginning on October 1, 1996, any payment to, or on behalf of, an employee or the  
51 employee's beneficiary under a cafeteria plan, if such payment would not be treated as wages  
52 pursuant to the Federal Unemployment Tax Act.

53 2. The increases or decreases to the state taxable wage base for the remainder of calendar  
54 year 2004 shall be eight thousand dollars, and the state taxable wage base in calendar year 2005,  
55 and each calendar year thereafter, shall be determined by the provisions within this subsection.  
56 On January 1, 2005, the state taxable wage base for calendar year 2005, 2006, and 2007 shall be  
57 eleven thousand dollars. The taxable wage base for calendar year 2008 shall be twelve thousand  
58 dollars. The state taxable wage base for each calendar year thereafter shall be determined by the  
59 average balance of the unemployment compensation trust fund of the four preceding calendar  
60 quarters (September thirtieth, June thirtieth, March thirty-first, and December thirty-first of the  
61 preceding calendar year), less any outstanding federal Title XII advances received pursuant to  
62 section 288.330, less the principal, interest, and administrative expenses related to any credit

63 instrument issued under section [288.030] **288.330**, and less the principal, interest, and  
 64 administrative expenses related to any financial agreements under subdivision (17) of subsection  
 65 2 of section 288.330. When the average balance of the unemployment compensation trust fund  
 66 of the four preceding quarters (September thirtieth, June thirtieth, March thirty-first, and  
 67 December thirty-first of the preceding calendar year), as so determined is:

68 (1) Less than, or equal to, three hundred fifty million dollars, then the wage base shall  
 69 increase by one thousand dollars; or

70 (2) Six hundred fifty million or more, then the state taxable wage base for the subsequent  
 71 calendar year shall be decreased by five hundred dollars. In no event, however, shall the state  
 72 taxable wage base increase beyond twelve thousand five hundred dollars, or decrease to less than  
 73 seven thousand dollars. For calendar year 2009, the tax wage base shall be twelve thousand five  
 74 hundred dollars.

75  
 76 For calendar year 2010 and each calendar year thereafter, in no event shall the state taxable wage  
 77 base increase beyond thirteen thousand dollars, or decrease to less than seven thousand dollars.  
 78 For any calendar year, the state taxable wage base shall not be reduced to less than that part of  
 79 the remuneration which is subject to a tax under a federal law imposing a tax against which  
 80 credit may be taken for contributions required to be paid into a state unemployment  
 81 compensation trust fund. Nothing in this section shall be construed to prevent the wage base  
 82 from increasing or decreasing by increments of five hundred dollars.

288.121. [1.] On October first of each calendar year, if the average balance, less any  
 2 federal advances, of the unemployment compensation trust fund of the four preceding quarters  
 3 (September thirtieth, June thirtieth, March thirty-first and December thirty-first of the preceding  
 4 calendar year) is less than four hundred fifty million dollars, then each employer's contribution  
 5 rate calculated for the four calendar quarters of the succeeding calendar year shall be increased  
 6 by the percentage determined from the following table:

7 Balance in Trust Fund		8	Percentage
9 Less Than	Equals or Exceeds		of Increase
10 \$450,000,000	\$400,000,000		10%
11 \$400,000,000	\$350,000,000		20%
12 \$350,000,000			30%

13  
 14 For calendar years 2005, 2006, and 2007, the contribution rate of any employer who is paying  
 15 the maximum contribution rate shall be increased by forty percent, instead of thirty percent as  
 16 previously indicated in the table in this section.

17 [2. For calendar year 2007 and each year thereafter, an employer's total contribution rate  
18 shall equal the employer's contribution rate plus a temporary debt indebtedness assessment equal  
19 to the amount to be determined in subdivision (6) of subsection 2 of section 288.330 added to  
20 the contribution rate plus the increase authorized under subsection 1 of this section. Any moneys  
21 overcollected beyond the actual administrative, interest and principal repayment costs for the  
22 credit instruments used shall be deposited into the state unemployment insurance trust fund and  
23 credited to the employer's experience account.]

288.128. 1. If the fund is utilizing moneys advanced by the federal government under  
2 the provisions of 42 U.S.C.A., Section 1321, pursuant to section 288.330, each employer may  
3 be assessed an amount solely for the payment of interest due on such federal advancements. The  
4 rate shall be determined by dividing the interest due on federal advancements by ninety-five  
5 percent of the total taxable wages paid by all Missouri employers in the preceding calendar year.  
6 Each employer's proportionate share shall be the product obtained by multiplying such  
7 employer's total taxable wages for the preceding calendar year by the rate specified in this  
8 section. Each employer shall be notified of the amount due under this section by June thirtieth  
9 of each year and such amount shall be considered delinquent thirty days thereafter. The moneys  
10 collected from each employer for the payment of interest due on federal advances shall be  
11 deposited in the special employment security fund.

12 2. If on December thirty-first of any year the money collected under subsection 1 of this  
13 section exceeds the amount of interest due on federal advancements by one hundred thousand  
14 dollars or more, then each employer's experience rating account shall be credited with an amount  
15 which bears the same ratio to the excess moneys collected under this section as that employer's  
16 payment collected under this section bears to the total amount collected under this section.  
17 Further, if on December thirty-first of any year the moneys collected under this section exceed  
18 the amount of interest due on the federal advancements by less than one hundred thousand  
19 dollars, the balance shall be transferred from the special employment security fund to the  
20 Secretary of the Treasury of the United States to be credited to the account of this state in the  
21 unemployment trust fund.

22 3. If the fund is utilizing moneys from the proceeds of credit instruments issued under  
23 section 288.330, or from the moneys advanced under financial agreements under subdivision  
24 (17) of subsection 2 of section 288.330, or a combination of credit instrument proceeds and  
25 moneys advanced under financial agreements each employer may be assessed a credit instrument  
26 and financing agreement repayment surcharge. The total of such surcharge shall be calculated  
27 as an amount up to one hundred fifty percent of the amount required in the twelve-month period  
28 following the due date for the payment of such surcharge for the payment of the principal,  
29 interest, and administrative expenses related to such credit instruments, or in the case of financial

30 agreements for the payment of principal, interest, and administrative expenses related to such  
31 financial agreements, or in the case of a combination of credit instruments and financial  
32 agreements for the payment of principal, interest, and administrative expenses for both. The total  
33 annual surcharge to be collected shall be calculated by the division as a percentage of the total  
34 statewide contributions collected during the previous calendar year. Each employer's  
35 proportionate share shall be the product obtained by multiplying the percentage calculated under  
36 this subsection by each employer's contributions due under this chapter for each filing period  
37 during the preceding calendar year. Each employer shall be notified by the division of the  
38 amount due under this section by April thirtieth of each year and such amount shall be  
39 considered delinquent thirty days thereafter. **Any moneys overcollected in excess of the actual**  
40 **administrative, interest, and principal repayments costs for the credit instruments or**  
41 **financial agreements used shall be deposited into the state unemployment insurance trust**  
42 **fund and credited to the employer's expense account.**

301.562. 1. The department may refuse to issue or renew any license required pursuant  
2 to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2  
3 of this section. The department shall notify the applicant or licensee in writing at his or her last  
4 known address of the reasons for the refusal to issue or renew the license and shall advise the  
5 applicant or licensee of his or her right to file a complaint with the administrative hearing  
6 commission as provided by chapter 621.

7 2. The department may cause a complaint to be filed with the administrative hearing  
8 commission as provided by chapter 621 against any holder of any license issued under sections  
9 301.550 to 301.573 for any one or any combination of the following causes:

10 (1) The applicant or license holder was previously the holder of a license issued under  
11 sections 301.550 to 301.573, which license was revoked for cause and never reissued by the  
12 department, or which license was suspended for cause and the terms of suspension have not been  
13 fulfilled;

14 (2) The applicant or license holder was previously a partner, stockholder, director or  
15 officer controlling or managing a partnership or corporation whose license issued under sections  
16 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and  
17 the terms of suspension have not been fulfilled;

18 (3) The applicant or license holder has, within ten years prior to the date of the  
19 application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo  
20 contendere, in a prosecution under the laws of any state or of the United States, for any offense  
21 reasonably related to the qualifications, functions, or duties of any business licensed under  
22 sections 301.550 to 301.573; for any offense, an essential element of which is fraud, dishonesty,

23 or an act of violence; or for any offense involving moral turpitude, whether or not sentence is  
24 imposed;

25 (4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued  
26 pursuant to sections 301.550 to 301.573;

27 (5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or  
28 other compensation by fraud, deception, or misrepresentation;

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this  
30 chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation  
31 adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643;

32 (7) The applicant or license holder has filed an application for a license which, as of its  
33 effective date, was incomplete in any material respect or contained any statement which was, in  
34 light of the circumstances under which it was made, false or misleading with respect to any  
35 material fact;

36 (8) The applicant or license holder has failed to pay the proper application or license fee  
37 or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a  
38 bona fide place of business;

39 (9) Uses or permits the use of any special license or license plate assigned to the license  
40 holder for any purpose other than those permitted by law;

41 (10) The applicant or license holder is finally adjudged insane or incompetent by a court  
42 of competent jurisdiction;

43 (11) Use of any advertisement or solicitation which is false;

44 (12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a  
45 conviction or finding of guilt or violation of any federal motor vehicle laws which result in a  
46 conviction or finding of guilt.

47 3. Any such complaint shall be filed within one year of the date upon which the  
48 department receives notice of an alleged violation of an applicable statute or regulation. After  
49 the filing of such complaint, the proceedings shall, except for the matters set forth in subsection  
50 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding  
51 by the administrative hearing commission that the grounds, provided in subsection 2 of this  
52 section, for disciplinary action are met, the department may, singly or in combination, refuse to  
53 issue the person a license, issue a license for a period of less than two years, issue a private  
54 reprimand, place the person on probation on such terms and conditions as the department deems  
55 appropriate for a period of one day to five years, suspend the person's license from one day to  
56 six days, or revoke the person's license for such period as the department deems appropriate. The  
57 applicant or licensee shall have the right to appeal the decision of the administrative hearing  
58 commission and department in the manner provided in chapter 536.

59           4. Upon the suspension or revocation of any person's license issued under sections  
60 301.550 to 301.573, the department shall recall any distinctive number plates that were issued  
61 to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to  
62 surrender his or her license or distinctive number license plates issued under sections 301.550  
63 to 301.580, the director shall direct any agent or employee of the department or any law  
64 enforcement officer, to secure possession thereof and return such items to the director. For  
65 purposes of this subsection, a "law enforcement officer" means any member of the highway  
66 patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his  
67 or her official capacity. Failure of the licensee to surrender his or her license or distinctive  
68 number license plates upon demand by the director, any agent or employee of the department,  
69 or any law enforcement officer shall be a class A misdemeanor.

70           5. Notwithstanding the foregoing provisions of this section, the following events or acts  
71 by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a  
72 clear and present danger to the public welfare and shall be considered cause for suspension or  
73 revocation of such license under the procedure set forth in subsection 6 of this section, at the  
74 discretion of the director:

75           (1) The expiration or revocation of any corporate surety bond or irrevocable letter of  
76 credit, as required by section 301.560, without submission of a replacement bond or letter of  
77 credit which provides coverage for the entire period of licensure;

78           (2) The failure to maintain a bona fide established place of business as required by  
79 section 301.560;

80           (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section;  
81 or

82           (4) Three or more occurrences of violations which have been established following  
83 proceedings before the administrative hearing commission under subsection 3 of this section, or  
84 which have been established following proceedings before the director under subsection 6 of this  
85 section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or  
86 regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not  
87 previously set forth herein.

88           6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or  
89 revoked, following an evidentiary hearing before the director or his or her designated hearing  
90 officer, if affidavits or sworn testimony by an authorized agent of the department alleges the  
91 occurrence of any of the events or acts described in subsection 5 of this section.

92           (2) For any license which the department believes may be subject to suspension or  
93 revocation under this subsection, the director shall immediately issue a notice of hearing to the  
94 licensee of record. The director's notice of hearing:

95 (a) Shall be served upon the licensee personally or by first class mail to the dealer's last  
96 known address, as registered with the director;

97 (b) Shall be based on affidavits or sworn testimony presented to the director, and shall  
98 notify the licensee that such information presented therein constitutes cause to suspend or revoke  
99 the licensee's license;

100 (c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

101 (d) Shall specify the events or acts which may provide cause for suspension or revocation  
102 of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other  
103 information presented to the director which support discipline of the license; and

104 (e) Shall inform the licensee that he or she has the right to attend the hearing and present  
105 any evidence in his or her defense, including evidence to show that the event or act which may  
106 result in suspension or revocation has been corrected to the director's satisfaction, and that he or  
107 she may be represented by counsel at the hearing.

108 (3) At any hearing before the director conducted under this subsection, the director or  
109 his or her designated hearing officer shall consider all evidence relevant to the issue of whether  
110 the license should be suspended or revoked due to the occurrence of any of the acts set forth in  
111 subsection 5 herein. Within twenty business days after such hearing, the director or his or her  
112 designated hearing officer shall issue a written order, with findings of fact and conclusions of  
113 law, which either grants or denies the issuance of an order of suspension or revocation. The  
114 suspension or revocation shall be effective ten days after the date of the order. The written order  
115 of the director or his or her hearing officer shall be the final decision of the director and shall be  
116 subject to judicial review under the provisions of chapter 536.

117 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary,  
118 the proceedings under this [section] **subsection** shall be closed and no order shall be made public  
119 until it is final, for purposes of appeal.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial  
2 Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:

4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited  
5 to, ethanol, methanol, propanol and isopropanol;

6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters  
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number  
8 of grams of alcohol per sixty-seven milliliters of urine;

9 (3) "CDL driver", a person holding or required to hold a commercial driver's license  
10 (CDL);

11 (4) "CDLIS driver record", the electronic record of the individual commercial driver's  
12 status and history stored by the state of record as part of the Commercial Driver's License  
13 Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;

14 (5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS  
15 driver record which meets the requirements for access to CDLIS information and is provided by  
16 states to users authorized in 49 CFR 384, subject to the provisions of the Driver Privacy  
17 Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;

18 (6) "Commercial driver's instruction permit", a commercial learner's permit issued to an  
19 individual by a state or other jurisdiction of domicile in accordance with the standards contained  
20 in 49 CFR 383, which, when carried with a valid driver's license issued by the same state or  
21 jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when  
22 accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel  
23 training. When issued to a commercial driver's license holder, a commercial learner's permit  
24 serves as authorization for accompanied behind-the-wheel training in a commercial motor  
25 vehicle for which the holder's current commercial driver's license is not valid;

26 (7) "Commercial driver's license (CDL)", a license issued by this state or other  
27 jurisdiction of domicile in accordance with 49 CFR 383 which authorizes the individual to  
28 operate a class of commercial motor vehicle;

29 (8) "Commercial driver's license downgrade", occurs when:

30 (a) A driver changes the self-certification to interstate, but operates exclusively in  
31 transportation or operation excepted from 49 CFR 391, as provided in 49 CFR 390.3(f), 391.2,  
32 391.68, or 398.3;

33 (b) A driver changes the self-certification to intrastate only, if the driver qualifies under  
34 the state's physical qualification requirements for intrastate only;

35 (c) A driver changes the self-certification to intrastate, but operating exclusively in  
36 transportation or operations excepted from all or part of the state driver qualification  
37 requirements; or

38 (d) The state removes the commercial driver's license privilege from the driver's license;

39 (9) "Commercial driver's license information system (CDLIS)", the information system  
40 established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law  
41 99-570) to serve as a clearinghouse for locating information related to the licensing and  
42 identification of commercial motor vehicle drivers;

43 (10) "Commercial motor vehicle", a motor vehicle or combination of motor vehicles  
44 used in commerce to transport passengers or property:

45 (a) If the vehicle has a gross combination weight rating or gross combination weight of  
46 twenty-six thousand one or more pounds, **whichever is greater**, inclusive of a towed unit which

47 has a gross vehicle weight rating or gross vehicle weight of more than ten thousand [one] pounds  
48 [or more], whichever is greater;

49 (b) If the vehicle has a gross vehicle weight rating or gross vehicle weight of twenty-six  
50 thousand one or more pounds, whichever is greater;

51 (c) If the vehicle is designed to transport sixteen or more passengers, including the  
52 driver; or

53 (d) If the vehicle is transporting hazardous materials and is required to be placarded  
54 under the Hazardous Materials Transportation Act (46 U.S.C. Section 1801, et seq.);

55 (11) "Controlled substance", any substance so classified under Section 102(6) of the  
56 Controlled Substances Act (21 U.S.C. Section 802(6)), and includes all substances listed in  
57 schedules I through V of 21 CFR 1308, as they may be revised from time to time;

58 (12) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo  
59 contendere, or a determination that a person has violated or failed to comply with the law in a  
60 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture  
61 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine  
62 or court cost, or violation of a condition of release without bail, regardless of whether the penalty  
63 is rebated, suspended or prorated, including an offense for failure to appear or pay;

64 (13) "Director", the director of revenue or his authorized representative;

65 (14) "Disqualification", any of the following three actions:

66 (a) The suspension, revocation, or cancellation of a commercial driver's license or  
67 commercial driver's instruction permit;

68 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a  
69 state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local  
70 law relating to motor vehicle traffic control or violations committed through the operation of  
71 motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

72 (c) A determination by the Federal Motor Carrier Safety Administration that a person  
73 is not qualified to operate a commercial motor vehicle under 49 CFR 383.52 or 391;

74 (15) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

75 (16) "Driver", any person who drives, operates, or is in physical control of a motor  
76 vehicle, or who is required to hold a commercial driver's license;

77 (17) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew  
78 a commercial driver's license or commercial driver's instruction permit in this state;

79 (18) "Driving under the influence of alcohol", the commission of any one or more of the  
80 following acts:

81 (a) Driving a commercial motor vehicle with the alcohol concentration of four  
82 one-hundredths of a percent or more as prescribed by the Secretary or such other alcohol  
83 concentration as may be later determined by the Secretary by regulation;

84 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation  
85 of any federal or state law, or in violation of a county or municipal ordinance;

86 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol  
87 content in violation of any federal or state law, or in violation of a county or municipal  
88 ordinance;

89 (d) Refusing to submit to a chemical test in violation of section 577.041, section  
90 302.750, any federal or state law, or a county or municipal ordinance; or

91 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined  
92 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to  
93 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years  
94 of age or older shall have been committed by the person with an alcohol concentration of at least  
95 eight-hundredths of one percent or more, or in the case of an individual who is less than  
96 twenty-one years of age, shall have been committed by the person with an alcohol concentration  
97 of at least two-hundredths of one percent or more, and if committed in a commercial motor  
98 vehicle, a concentration of four-hundredths of one percent or more;

99 (19) "Driving under the influence of a controlled substance", the commission of any one  
100 or more of the following acts in a commercial or noncommercial motor vehicle:

101 (a) Driving a commercial or noncommercial motor vehicle while under the influence of  
102 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.  
103 Section 802(6)), including any substance listed in schedules I through V of 21 CFR 1308, as they  
104 may be revised from time to time;

105 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition  
106 in violation of any federal or state law or in violation of a county or municipal ordinance; or

107 (c) Refusing to submit to a chemical test in violation of section 577.041, section  
108 302.750, any federal or state law, or a county or municipal ordinance;

109 (20) "Electronic device", includes but is not limited to a cellular telephone, personal  
110 digital assistant, pager, computer, or any other device used to input, write, send, receive, or read  
111 text;

112 (21) "Employer", any person, including the United States, a state, or a political  
113 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to  
114 operate such a vehicle;

115 (22) "Endorsement", an authorization on an individual's commercial driver's license or  
116 commercial learner's permit required to permit the individual to operate certain types of  
117 commercial motor vehicles;

118 (23) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer  
119 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,  
120 or a combination of these, within one hundred fifty miles of the farm, other than one which  
121 requires placarding for hazardous materials as defined in this section, or used in the operation  
122 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial  
123 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand  
124 one pounds when transporting fertilizers as defined in subdivision (29) of this subsection;

125 (24) "Fatality", the death of a person as a result of a motor vehicle accident;

126 (25) "Felony", any offense under state or federal law that is punishable by death or  
127 imprisonment for a term exceeding one year;

128 (26) "Foreign", outside the fifty states of the United States and the District of Columbia;

129 (27) "Gross combination weight rating" or "GCWR", the value specified by the  
130 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a  
131 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the  
132 power unit and the total weight of the towed unit and any load thereon;

133 (28) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer  
134 as the loaded weight of a single vehicle;

135 (29) "Hazardous materials", any material that has been designated as hazardous under  
136 49 U.S.C. Section 5103 and is required to be placarded under subpart F of CFR 172 or any  
137 quantity of a material listed as a select agent or toxin in 42 CFR 73. Fertilizers, including but  
138 not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor  
139 fuel or special fuel, shall not be considered hazardous materials when transported by a farm  
140 vehicle provided all other provisions of this definition are followed;

141 (30) "Imminent hazard", the existence of a condition that presents a substantial  
142 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to  
143 health, property, or the environment may occur before the reasonably foreseeable completion  
144 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or  
145 endangerment;

146 (31) "Issuance", the initial licensure, license transfers, license renewals, and license  
147 upgrades;

148 (32) "Manual transmission" (also known as a stick shift, stick, straight drive or standard  
149 transmission), a transmission utilizing a driver-operated clutch that is activated by a pedal or  
150 lever and a gear-shift mechanism operated either by hand or foot. All other transmissions,

151 whether semiautomatic or automatic, will be considered automatic for the purposes of the  
152 standardized restriction code;

153 (33) "Medical examiner", a person who is licensed, certified, or registered, in accordance  
154 with applicable state laws and regulations, to perform physical examinations. The term includes,  
155 but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced  
156 practice nurses, and doctors of chiropractic;

157 (34) "Medical variance", when a driver has received one of the following that allows the  
158 driver to be issued a medical certificate:

159 (a) An exemption letter permitting operation of a commercial motor vehicle under 49  
160 CFR 381, Subpart C or 49 CFR 391.64;

161 (b) A skill performance evaluation certificate permitting operation of a commercial  
162 motor vehicle under 49 CFR 391.49;

163 (35) "Mobile telephone", a mobile communication device that is classified as or uses any  
164 commercial mobile radio service, as defined in the regulations of the Federal Communications  
165 Commission, 47 CFR 20.3, but does not include two-way or citizens band radio services;

166 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

167 (37) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles  
168 not defined by the term commercial motor vehicle in this section;

169 (38) "Out of service", a temporary prohibition against the operation of a commercial  
170 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,  
171 or the operation of a particular motor carrier;

172 (39) "Out-of-service order", a declaration by an authorized enforcement officer of a  
173 federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor  
174 vehicle, or a motor carrier operation, is out of service under 49 CFR 386.72, 392.5, 392.9a,  
175 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;

176 (40) "School bus", a commercial motor vehicle used to transport preprimary, primary,  
177 or secondary school students from home to school, from school to home, or to and from  
178 school-sponsored events. School bus does not include a bus used as a common carrier as defined  
179 by the Secretary;

180 (41) "Secretary", the Secretary of Transportation of the United States;

181 (42) "Serious traffic violation", driving a commercial motor vehicle in such a manner  
182 that the driver receives a conviction for the following offenses or driving a noncommercial motor  
183 vehicle when the driver receives a conviction for the following offenses and the conviction  
184 results in the suspension or revocation of the driver's license or noncommercial motor vehicle  
185 driving privilege:

186 (a) Excessive speeding, as defined by the Secretary by regulation;

187 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,  
188 any violation of section 304.016, any violation of section 304.010, or any other violation of  
189 federal or state law, or any county or municipal ordinance while driving a commercial motor  
190 vehicle in a willful or wanton disregard for the safety of persons or property, or improper or  
191 erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include  
192 careless and imprudent driving by excessive speed;

193 (c) A violation of any federal or state law or county or municipal ordinance regulating  
194 the operation of motor vehicles arising out of an accident or collision which resulted in death to  
195 any person, other than a parking violation;

196 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license  
197 in violation of any federal or state or county or municipal ordinance;

198 (e) Driving a commercial motor vehicle without a commercial driver's license in the  
199 driver's possession in violation of any federal or state or county or municipal ordinance. Any  
200 individual who provides proof to the court which has jurisdiction over the issued citation that the  
201 individual held a valid commercial driver's license on the date that the citation was issued shall  
202 not be guilty of this offense;

203 (f) Driving a commercial motor vehicle without the proper commercial driver's license  
204 class or endorsement for the specific vehicle group being operated or for the passengers or type  
205 of cargo being transported in violation of any federal or state law or county or municipal  
206 ordinance;

207 (g) Violating a state or local law or ordinance on motor vehicle traffic control prohibiting  
208 texting while driving a commercial motor vehicle;

209 (h) Violating a state or local law or ordinance on motor vehicle traffic control restricting  
210 or prohibiting the use of a hand-held mobile telephone while driving a commercial motor  
211 vehicle; or

212 (i) Any other violation of a federal or state law or county or municipal ordinance  
213 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the  
214 Secretary by regulation;

215 (43) "State", a state of the United States, including the District of Columbia;

216 (44) "Tank vehicle", any commercial motor vehicle that is designed to transport any  
217 liquid or gaseous materials within a tank or tanks having an individual rated capacity of more  
218 than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or  
219 more that is either permanently or temporarily attached to the vehicle or the chassis. A  
220 commercial motor vehicle transporting an empty storage container tank, not designed for  
221 transportation, with a rated capacity of one thousand gallons or more, that is temporarily attached  
222 to a flatbed trailer is not considered a tank vehicle;

223 (45) "Texting", manually entering alphanumeric text into, or reading text from, an  
224 electronic device. This action includes but is not limited to short message service, emailing,  
225 instant messaging, commanding or requesting access to a website, pressing more than a single  
226 button to initiate or terminate a voice communication using a mobile telephone, or engaging in  
227 any other form of electronic text retrieval or entry, for present or future communication. Texting  
228 does not include:

229 (a) Inputting, selecting, or reading information on a global positioning system or  
230 navigation system;

231 (b) Pressing a single button to initiate or terminate a voice communication using a  
232 mobile telephone; or

233 (c) Using a device capable of performing multiple functions (e.g., fleet management  
234 systems, dispatching devices, smart phones, citizens band radios, music players) for a purpose  
235 that is not otherwise prohibited in this part;

236 (46) "United States", the fifty states and the District of Columbia.

324.001. 1. For the purposes of this section, the following terms mean:

2 (1) "Department", the department of insurance, financial institutions and professional  
3 registration;

4 (2) "Director", the director of the division of professional registration; and

5 (3) "Division", the division of professional registration.

6 2. There is hereby established a "Division of Professional Registration" assigned to the  
7 department of insurance, financial institutions and professional registration as a type III transfer,  
8 headed by a director appointed by the governor with the advice and consent of the senate. All  
9 of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State  
10 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its  
11 divisions, agencies, and personnel.

12 3. The director of the division of professional registration shall promulgate rules and  
13 regulations which designate for each board or commission assigned to the division the renewal  
14 date for licenses or certificates. After the initial establishment of renewal dates, no director of  
15 the division shall promulgate a rule or regulation which would change the renewal date for  
16 licenses or certificates if such change in renewal date would occur prior to the date on which the  
17 renewal date in effect at the time such new renewal date is specified next occurs. Each board or  
18 commission shall by rule or regulation establish licensing periods of one, two, or three years.  
19 Registration fees set by a board or commission shall be effective for the entire licensing period  
20 involved, and shall not be increased during any current licensing period. Persons who are  
21 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees  
22 for the remainder of the period remaining at the time the fees are paid. Each board or

23 commission shall provide the necessary forms for initial registration, and thereafter the director  
24 may prescribe standard forms for renewal of licenses and certificates. Each board or commission  
25 shall by rule and regulation require each applicant to provide the information which is required  
26 to keep the board's records current. Each board or commission shall have the authority to collect  
27 and analyze information required to support workforce planning and policy development. Such  
28 information shall not be publicly disclosed so as to identify a specific health care provider, as  
29 defined in section 376.1350. Each board or commission shall issue the original license or  
30 certificate.

31 4. The division shall provide clerical and other staff services relating to the issuance and  
32 renewal of licenses for all the professional licensing and regulating boards and commissions  
33 assigned to the division. The division shall perform the financial management and clerical  
34 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and  
35 renewal of licenses and certificates" means the ministerial function of preparing and delivering  
36 licenses or certificates, and obtaining material and information for the board or commission in  
37 connection with the renewal thereof. It does not include any discretionary authority with regard  
38 to the original review of an applicant's qualifications for licensure or certification, or the  
39 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action  
40 contemplated against the licensee or certificate holder. The division may develop and implement  
41 microfilming systems and automated or manual management information systems.

42 5. The director of the division shall maintain a system of accounting and budgeting, in  
43 cooperation with the director of the department, the office of administration, and the state  
44 auditor's office, to ensure proper charges are made to the various boards for services rendered  
45 to them. The general assembly shall appropriate to the division and other state agencies from  
46 each board's funds moneys sufficient to reimburse the division and other state agencies for all  
47 services rendered and all facilities and supplies furnished to that board.

48 6. For accounting purposes, the appropriation to the division and to the office of  
49 administration for the payment of rent for quarters provided for the division shall be made from  
50 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for  
51 the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited  
52 into it from each board's fund. Each board shall contribute a prorated amount necessary to fund  
53 the division for services rendered and rent based upon the system of accounting and budgeting  
54 established by the director of the division as provided in subsection 5 of this section. Transfers  
55 of funds to the professional registration fees fund shall be made by each board on July first of  
56 each year; provided, however, that the director of the division may establish an alternative date  
57 or dates of transfers at the request of any board. Such transfers shall be made until they equal  
58 the prorated amount for services rendered and rent by the division. The provisions of section

59 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed  
60 to the credit of general revenue.

61 7. The director of the division shall be responsible for collecting and accounting for all  
62 moneys received by the division or its component agencies. Any money received by a board or  
63 commission shall be promptly given, identified by type and source, to the director. The director  
64 shall keep a record by board and state accounting system classification of the amount of revenue  
65 the director receives. The director shall promptly transmit all receipts to the department of  
66 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall  
67 provide each board with all relevant financial information in a timely fashion. Each board shall  
68 cooperate with the director by providing necessary information.

69 8. All educational transcripts, test scores, complaints, investigatory reports, and  
70 information pertaining to any person who is an applicant or licensee of any agency assigned to  
71 the division of professional registration by statute or by the department are confidential and may  
72 not be disclosed to the public or any member of the public, except with the written consent of  
73 the person whose records are involved. The agency which possesses the records or information  
74 shall disclose the records or information if the person whose records or information is involved  
75 has consented to the disclosure. Each agency is entitled to the attorney-client privilege and  
76 work-product privilege to the same extent as any other person. Provided, however, that any  
77 board may disclose confidential information without the consent of the person involved in the  
78 course of voluntary interstate exchange of information, or in the course of any litigation  
79 concerning that person, or pursuant to a lawful request, or to other administrative or law  
80 enforcement agencies acting within the scope of their statutory authority. Information regarding  
81 identity, including names and addresses, registration, and currency of the license of the persons  
82 possessing licenses to engage in a professional occupation and the names and addresses of  
83 applicants for such licenses is not confidential information.

84 9. Any deliberations conducted and votes taken in rendering a final decision after a  
85 hearing before an agency assigned to the division shall be closed to the parties and the public.  
86 Once a final decision is rendered, that decision shall be made available to the parties and the  
87 public.

88 10. A compelling governmental interest shall be deemed to exist for the purposes of  
89 section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance  
90 of any agency assigned to the division of professional registration is reasonably expected to  
91 exceed an amount that would require transfer from that fund to general revenue.

92 11. (1) The following boards and commissions are assigned by specific type transfers  
93 to the division of professional registration: Missouri state board of accountancy, chapter 326;  
94 board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects,

95 professional engineers, professional land surveyors and landscape architects, chapter 327;  
96 Missouri state board of chiropractic examiners, chapter 331; state board of registration for the  
97 healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and  
98 funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of  
99 nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter  
100 330; Missouri real estate [appraisers] commission, chapter 339; and Missouri veterinary medical  
101 board, chapter 340. The governor shall appoint members of these boards by and with the advice  
102 and consent of the senate.

103 (2) The boards and commissions assigned to the division shall exercise all their  
104 respective statutory duties and powers, except those clerical and other staff services involving  
105 collecting and accounting for moneys and financial management relating to the issuance and  
106 renewal of licenses, which services shall be provided by the division, within the appropriation  
107 therefor. Nothing herein shall prohibit employment of professional examining or testing services  
108 from professional associations or others as required by the boards or commissions on contract.  
109 Nothing herein shall be construed to affect the power of a board or commission to expend its  
110 funds as appropriated. However, the division shall review the expense vouchers of each board.  
111 The results of such review shall be submitted to the board reviewed and to the house and senate  
112 appropriations committees annually.

113 (3) Notwithstanding any other provisions of law, the director of the division shall  
114 exercise only those management functions of the boards and commissions specifically provided  
115 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,  
116 personnel other than board personnel, and equipment.

117 (4) "Board personnel", as used in this section or chapters [317,] 326, 327, [328,] 329,  
118 330, 331, 332, 333, 334, 335, 336, [337,] 338, 339, [340,] and 345, shall mean personnel whose  
119 functions and responsibilities are in areas not related to the clerical duties involving the issuance  
120 and renewal of licenses, to the collecting and accounting for moneys, or to financial management  
121 relating to issuance and renewal of licenses; specifically included are executive secretaries (or  
122 comparable positions), consultants, inspectors, investigators, counsel, and secretarial support  
123 staff for these positions; and such other positions as are established and authorized by statute for  
124 a particular board or commission. Boards and commissions may employ legal counsel, if  
125 authorized by law, and temporary personnel if the board is unable to meet its responsibilities with  
126 the employees authorized above. Any board or commission which hires temporary employees  
127 shall annually provide the division director and the appropriation committees of the general  
128 assembly with a complete list of all persons employed in the previous year, the length of their  
129 employment, the amount of their remuneration, and a description of their responsibilities.

130 (5) Board personnel for each board or commission shall be employed by and serve at the  
131 pleasure of the board or commission, shall be supervised as the board or commission designates,  
132 and shall have their duties and compensation prescribed by the board or commission, within  
133 appropriations for that purpose, except that compensation for board personnel shall not exceed  
134 that established for comparable positions as determined by the board or commission pursuant  
135 to the job and pay plan of the department of insurance, financial institutions and professional  
136 registration. Nothing herein shall be construed to permit salaries for any board personnel to be  
137 lowered except by board action.

138 12. All the powers, duties, and functions of the division of athletics, chapter 317, and  
139 others, are assigned by type I transfer to the division of professional registration.

140 13. Wherever the laws, rules, or regulations of this state make reference to the "division  
141 of professional registration of the department of economic development", such references shall  
142 be deemed to refer to the division of professional registration.

324.028. Any member authorized under the provisions of sections 256.459, 324.063,  
2 324.177, 324.203, 324.243, 324.406, 324.478, 326.259, 327.031, [328.030, 329.190,] **329.015**,  
3 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, [334.736,] **334.749**,  
4 334.830, 335.021, 336.130, 337.050, **337.535, 337.622, 337.739**, 338.110, 339.120, [340.210,]  
5 **340.202**, 345.080, and 346.120 who misses three consecutive regularly scheduled meetings of  
6 the board or council on which he serves shall forfeit his membership on that board or council.  
7 A new member shall be appointed to the respective board or council by the governor with the  
8 advice and consent of the senate.

324.159. The board shall:

2 (1) Adopt and publish a code of ethics;

3 (2) Establish the qualifications and fitness of applicants of licenses, renewal of licenses  
4 and reciprocal licenses;

5 (3) Revoke, suspend or deny a license, suspend a license or reprimand a license holder  
6 for a violation of sections 324.125 to 324.183, the code of ethics or the rules adopted by the  
7 board;

8 (4) Provide for the expenditure of funds necessary for the proper administration of its  
9 assigned duties;

10 (5) Establish reasonable and necessary fees for the administration and implementation  
11 of sections 324.125 to 324.183. Fees shall be established at a rate that does not significantly  
12 exceed the cost of administering the provisions of sections 324.125 to 324.183;

13 (6) Establish continuing professional education requirements for licensed clinical  
14 perfusionists and provisional licensed clinical perfusionists, the standards of which shall be at

15 least as stringent as those of the American Board of Cardiovascular Perfusion or its successor  
16 agency;

17 (7) Within the limits of its appropriation, employ and remove board personnel, as  
18 defined in subdivision (4) of subsection [10] 11 of section 324.001 as may be necessary for the  
19 efficient operation of the board;

20 (8) Adopt the training and clinical competency requirements established by the  
21 department of health and senior services through hospital licensing regulations promulgated  
22 pursuant to chapter 197. The provisions of sections 324.125 to 324.183 to the contrary  
23 notwithstanding, the board shall not regulate a perfusionist's training, education or fitness to  
24 practice except as specifically provided by the hospital licensing regulations of the department  
25 of health and senior services. In promulgating such regulations, the department of health and  
26 senior services shall adopt the standards of the American Board of Cardiovascular Perfusion, or  
27 its successor organization, or comparable standards for training and experience. The department  
28 shall by rule and regulation provide that individuals providing perfusion services who do meet  
29 such standards may continue their employment in accordance with section 324.130. The  
30 department shall also establish standards for provisional licensed clinical perfusionists pursuant  
31 to section 324.147.

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

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

16 3. The public member shall be, at the time of such person's appointment, a citizen of the  
17 United States, a registered voter, a person who is not and never was a member of the profession  
18 regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does  
19 not have and never has had a material financial interest in the providing of the professional

20 services regulated by sections 324.400 to 324.439. The duties of the public member shall not  
21 include the determination of the technical requirements for the registration of persons as interior  
22 designers.

23 4. The provisions of section 324.028 pertaining to [public] members of certain state  
24 boards and commissions shall apply to [the public member] **all members** of the council.

25 [4.] 5. Members of the council may be removed from office for cause. Upon the death,  
26 resignation or removal from office of any member of the council, the appointment to fill the  
27 vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same  
28 manner as the first appointment and due notice be given to the state organizations of the interior  
29 design profession prior to the appointment.

30 [5.] 6. Each member of the council may receive as compensation an amount set by the  
31 division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable  
32 and necessary expenses incurred in the official performance of the member's duties as a member  
33 of the council. The director shall establish by rule guidelines for payment.

34 [6.] 7. The council shall meet at least twice each year and advise the division on matters  
35 within the scope of sections 324.400 to 324.439. The organization of the council shall be  
36 established by the members of the council.

37 [7.] 8. The council may sue and be sued as the interior design council and the council  
38 members need not be named as parties. Members of the council shall not be personally liable  
39 either jointly or severally for any act committed in the performance of their official duties as  
40 council members. No council member shall be personally liable for any costs which accrue in  
41 any action by or against the council.

326.265. 1. The board shall elect annually one of its members as president, one as vice  
2 president, one as secretary and one as treasurer, and shall make an annual report to the governor  
3 and the general assembly. The board shall file and preserve all written applications, petitions,  
4 complaints, charges or requests made or presented to the board and all affidavits and other  
5 verified documents, and shall keep accurate records and minutes of its proceedings. A copy of  
6 any entry in the register, or of any records or minutes of the board, certified by the president or  
7 secretary of the board under its seal shall constitute and have the full force and effect of the  
8 original.

9 2. The board may employ legal counsel and board personnel as defined in subdivision  
10 (4) of subsection [10] 11 of section 324.001 and incur such travel and other expense as in its  
11 judgment shall be necessary for the effective administration of this chapter.

12 3. The board may also appoint a continuing education committee of not less than five  
13 members consisting of certified public accountants of this state. Such committee shall:

14 (1) Evaluate continuing education programs to determine if they meet continuing  
15 education regulations adopted by the board;

16 (2) Consider applications for exceptions to continuing education regulations adopted  
17 pursuant to the provisions of section 326.271; and

18 (3) Consider other matters regarding continuing education as may be assigned by the  
19 board.

327.051. 1. The board shall meet at least twice a year at such times and places as are  
2 fixed by the board.

3 2. The board may appoint and employ legal counsel and such board personnel, as defined  
4 in subdivision (4) of subsection [10] **11** of section 324.001, as it deems necessary within the  
5 appropriation therefor.

6 3. The board shall keep records of its official acts and decisions and certified copies of  
7 any such records attested by the executive director with the board's seal affixed shall be received  
8 as evidence in all courts to the same extent as the board's original records would be received.

9 4. Each member of the board shall receive as compensation an amount set by the board  
10 not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled  
11 to reimbursement of such member's expenses necessarily incurred in the discharge of such  
12 member's official duties.

329.025. 1. The board shall have power to:

2 (1) Prescribe by rule for the examination of applicants for licensure to practice the  
3 classified occupations of barbering and cosmetology and issue licenses;

4 (2) Prescribe by rule for the inspection of barber and cosmetology establishments and  
5 schools and appoint the necessary inspectors and examining assistants;

6 (3) Prescribe by rule for the inspection of establishments and schools of barbering and  
7 cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if  
8 necessary, examining assistants;

9 (4) Set the amount of the fees that this chapter and chapter 328, authorize and require,  
10 by rules promulgated under section 536.021. The fees shall be set at a level sufficient to produce  
11 revenue that shall not substantially exceed the cost and expense of administering this chapter and  
12 chapter 328;

13 (5) Employ and remove board personnel, as set forth in subdivision (4) of subsection  
14 [10] **11** of section 324.001, including an executive secretary or comparable position, inspectors,  
15 investigators, legal counsel and secretarial support staff, as may be necessary for the efficient  
16 operation of the board, within the limitations of its appropriation;

17 (6) Elect one of its members president, one vice president, and one secretary with the  
18 limitation that no single profession can hold the positions of president and vice president at the  
19 same time;

20 (7) Promulgate rules necessary to carry out the duties and responsibilities designated by  
21 this chapter and chapter 328;

22 (8) Determine the sufficiency of the qualifications of applicants; and

23 (9) Prescribe by rule the minimum standards and methods of accountability for the  
24 schools of barbering and cosmetology licensed under this chapter and chapter 328.

25 2. The board shall create no expense exceeding the sum received from time to time from  
26 fees imposed under this chapter and chapter 328.

27 3. A majority of the board, with at least one representative of each profession being  
28 present, shall constitute a quorum for the transaction of business.

29 4. The board shall meet not less than six times annually.

30 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
31 under the authority delegated in this chapter and chapter 328 shall become effective only if it  
32 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
33 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
34 general assembly under chapter 536 to review, to delay the effective date or to disapprove and  
35 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
36 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

330.190. The board shall investigate all complaints of violations of the provisions of this  
2 chapter as provided in section 324.002 and shall report any such violations to the proper  
3 prosecuting officers or other public officials charged with the enforcement of the provisions of  
4 this chapter. The board may employ such board personnel, as defined in subdivision (4) of  
5 subsection [10] 11 of section 324.001, as it deems necessary within appropriations therefor.

332.041. 1. The board shall meet at least twice a year at such times and places in the  
2 state of Missouri as may be fixed by the board. The board shall elect from its membership a  
3 president, a vice president, and a secretary-treasurer, each of whom shall be elected at the times  
4 and serve for the terms as are determined by the board, and each of whose duties shall be  
5 prescribed by the board.

6 2. The board shall keep records of its official acts, and certified copies of any such  
7 records attested by a designee of the board with the board's seal affixed shall be received as  
8 evidence in all courts to the same extent as the board's original records would be received.

9 3. Each member of the board shall receive as compensation an amount set by the board  
10 not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled  
11 to reimbursement of his expenses necessarily incurred in the discharge of his official duties. The

12 board may employ and pay legal counsel and such board personnel, as defined in subdivision (4)  
13 of subsection [10] 11 of section 324.001, as it deems necessary within appropriations therefor.  
14

334.100. 1. The board may refuse to issue or renew any certificate of registration or  
2 authority, permit or license required pursuant to this chapter for one or any combination of  
3 causes stated in subsection 2 of this section. The board shall notify the applicant in writing of  
4 the reasons for the refusal and shall advise the applicant of the applicant's right to file a  
5 complaint with the administrative hearing commission as provided by chapter 621. As an  
6 alternative to a refusal to issue or renew any certificate, registration or authority, the board may,  
7 at its discretion, issue a license which is subject to probation, restriction or limitation to an  
8 applicant for licensure for any one or any combination of causes stated in subsection 2 of this  
9 section. The board's order of probation, limitation or restriction shall contain a statement of the  
10 discipline imposed, the basis therefor, the date such action shall become effective, and a  
11 statement that the applicant has thirty days to request in writing a hearing before the  
12 administrative hearing commission. If the board issues a probationary, limited or restricted  
13 license to an applicant for licensure, either party may file a written petition with the  
14 administrative hearing commission within thirty days of the effective date of the probationary,  
15 limited or restricted license seeking review of the board's determination. If no written request for  
16 a hearing is received by the administrative hearing commission within the thirty-day period, the  
17 right to seek review of the board's decision shall be considered as waived.

18 2. The board may cause a complaint to be filed with the administrative hearing  
19 commission as provided by chapter 621 against any holder of any certificate of registration or  
20 authority, permit or license required by this chapter or any person who has failed to renew or has  
21 surrendered the person's certificate of registration or authority, permit or license for any one or  
22 any combination of the following causes:

23 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
24 an extent that such use impairs a person's ability to perform the work of any profession licensed  
25 or regulated by this chapter;

26 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
27 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
28 for any offense reasonably related to the qualifications, functions or duties of any profession  
29 licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an  
30 act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

31 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
32 registration or authority, permit or license issued pursuant to this chapter or in obtaining  
33 permission to take any examination given or required pursuant to this chapter;

34 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or  
35 unprofessional conduct in the performance of the functions or duties of any profession licensed  
36 or regulated by this chapter, including, but not limited to, the following:

37 (a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
38 fraud, deception or misrepresentation; willfully and continually overcharging or overtreating  
39 patients; or charging for visits to the physician's office which did not occur unless the services  
40 were contracted for in advance, or for services which were not rendered or documented in the  
41 patient's records;

42 (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to  
43 obtain or retain a patient or discourage the use of a second opinion or consultation;

44 (c) Willfully and continually performing inappropriate or unnecessary treatment,  
45 diagnostic tests or medical or surgical services;

46 (d) Delegating professional responsibilities to a person who is not qualified by training,  
47 skill, competency, age, experience or licensure to perform such responsibilities;

48 (e) Misrepresenting that any disease, ailment or infirmity can be cured by a method,  
49 procedure, treatment, medicine or device;

50 (f) Performing or prescribing medical services which have been declared by board rule  
51 to be of no medical or osteopathic value;

52 (g) Final disciplinary action by any professional medical or osteopathic association or  
53 society or licensed hospital or medical staff of such hospital in this or any other state or territory,  
54 whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension,  
55 limitation, or restriction of the person's license or staff or hospital privileges, failure to renew  
56 such privileges or license for cause, or other final disciplinary action, if the action was in any way  
57 related to unprofessional conduct, professional incompetence, malpractice or any other violation  
58 of any provision of this chapter;

59 (h) Signing a blank prescription form; or dispensing, prescribing, administering or  
60 otherwise distributing any drug, controlled substance or other treatment without sufficient  
61 examination including failing to establish a valid physician-patient relationship pursuant to  
62 section 334.108, or for other than medically accepted therapeutic or experimental or investigative  
63 purposes duly authorized by a state or federal agency, or not in the course of professional  
64 practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical  
65 infirmity or disease, except as authorized in section 334.104;

66 (i) Exercising influence within a physician-patient relationship for purposes of engaging  
67 a patient in sexual activity;

68 (j) Being listed on any state or federal sexual offender registry;

69 (k) Terminating the medical care of a patient without adequate notice or without making  
70 other arrangements for the continued care of the patient;

71 (l) Failing to furnish details of a patient's medical records to other treating physicians or  
72 hospitals upon proper request; or failing to comply with any other law relating to medical  
73 records;

74 (m) Failure of any applicant or licensee to cooperate with the board during any  
75 investigation;

76 (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an  
77 order of the board;

78 (o) Failure to timely pay license renewal fees specified in this chapter;

79 (p) Violating a probation agreement, order, or other settlement agreement with this board  
80 or any other licensing agency;

81 (q) Failing to inform the board of the physician's current residence and business address;

82 (r) Advertising by an applicant or licensee which is false or misleading, or which violates  
83 any rule of the board, or which claims without substantiation the positive cure of any disease, or  
84 professional superiority to or greater skill than that possessed by any other physician. An  
85 applicant or licensee shall also be in violation of this provision if the applicant or licensee has  
86 a financial interest in any organization, corporation or association which issues or conducts such  
87 advertising;

88 (s) Any other conduct that is unethical or unprofessional involving a minor;

89 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or  
90 physical health of a patient or the public; or incompetency, gross negligence or repeated  
91 negligence in the performance of the functions or duties of any profession licensed or regulated  
92 by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure,  
93 on more than one occasion, to use that degree of skill and learning ordinarily used under the  
94 same or similar circumstances by the member of the applicant's or licensee's profession;

95 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling  
96 any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or  
97 regulation adopted pursuant to this chapter or chapter 324;

98 (7) Impersonation of any person holding a certificate of registration or authority, permit  
99 or license or allowing any person to use his or her certificate of registration or authority, permit,  
100 license or diploma from any school;

101 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
102 censure, probation or other final disciplinary action against the holder of or applicant for a  
103 license or other right to practice any profession regulated by this chapter by another state,  
104 territory, federal agency or country, whether or not voluntarily agreed to by the licensee or

105 applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing  
106 the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject  
107 to an investigation or while actually under investigation by any licensing authority, medical  
108 facility, branch of the Armed Forces of the United States of America, insurance company, court,  
109 agency of the state or federal government, or employer;

110 (9) A person is finally adjudged incapacitated or disabled by a court of competent  
111 jurisdiction;

112 (10) Assisting or enabling any person to practice or offer to practice any profession  
113 licensed or regulated by this chapter who is not registered and currently eligible to practice  
114 pursuant to this chapter; or knowingly performing any act which in any way aids, assists,  
115 procures, advises, or encourages any person to practice medicine who is not registered and  
116 currently eligible to practice pursuant to this chapter. A physician who works in accordance with  
117 standing orders or protocols or in accordance with the provisions of section 334.104 shall not be  
118 in violation of this subdivision;

119 (11) Issuance of a certificate of registration or authority, permit or license based upon  
120 a material mistake of fact;

121 (12) Failure to display a valid certificate or license if so required by this chapter or any  
122 rule promulgated pursuant to this chapter;

123 (13) Violation of the drug laws or rules and regulations of this state, including but not  
124 limited to any provision of chapter 195, any other state, or the federal government;

125 (14) Knowingly making, or causing to be made, or aiding, or abetting in the making of,  
126 a false statement in any birth, death or other certificate or document executed in connection with  
127 the practice of the person's profession;

128 (15) Knowingly making a false statement, orally or in writing to the board;

129 (16) Soliciting patronage in person or by agents or representatives, or by any other means  
130 or manner, under the person's own name or under the name of another person or concern, actual  
131 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or  
132 necessity for or appropriateness of health care services for all patients, or the qualifications of  
133 an individual person or persons to diagnose, render, or perform health care services;

134 (17) Using, or permitting the use of, the person's name under the designation of  
135 "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial  
136 exploitation of any goods, wares or merchandise;

137 (18) Knowingly making or causing to be made a false statement or misrepresentation of  
138 a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or  
139 chapter 630 or for payment from Title XVIII or Title XIX of the [federal Medicare program]  
140 **Social Security Act;**

141 (19) Failure or refusal to properly guard against contagious, infectious or communicable  
142 diseases or the spread thereof; maintaining an unsanitary office or performing professional  
143 services under unsanitary conditions; or failure to report the existence of an unsanitary condition  
144 in the office of a physician or in any health care facility to the board, in writing, within thirty  
145 days after the discovery thereof;

146 (20) Any candidate for licensure or person licensed to practice as a physical therapist,  
147 paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary,  
148 practicing or offering to practice professional physical therapy independent of the prescription  
149 and direction of a person licensed and registered as a physician and surgeon pursuant to this  
150 chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an  
151 advanced practice registered nurse under chapter 335, or any licensed and registered physician,  
152 dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose  
153 license is in good standing;

154 (21) Any candidate for licensure or person licensed to practice as a physical therapist,  
155 treating or attempting to treat ailments or other health conditions of human beings other than by  
156 professional physical therapy and as authorized by sections 334.500 to 334.620;

157 (22) Any person licensed to practice as a physician or surgeon, requiring, as a condition  
158 of the physician-patient relationship, that the patient receive prescribed drugs, devices or other  
159 professional services directly from facilities of that physician's office or other entities under that  
160 physician's ownership or control. A physician shall provide the patient with a prescription which  
161 may be taken to the facility selected by the patient and a physician knowingly failing to disclose  
162 to a patient on a form approved by the advisory commission for professional physical therapists  
163 as established by section 334.625 which is dated and signed by a patient or guardian  
164 acknowledging that the patient or guardian has read and understands that the physician has a  
165 pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment  
166 and that the prescribed treatment is available on a competitive basis. This subdivision shall not  
167 apply to a referral by one physician to another physician within a group of physicians practicing  
168 together;

169 (23) A pattern of personal use or consumption of any controlled substance unless it is  
170 prescribed, dispensed or administered by another physician who is authorized by law to do so;

171 (24) Habitual intoxication or dependence on alcohol, evidence of which may include  
172 more than one alcohol-related enforcement contact as defined by section 302.525;

173 (25) Failure to comply with a treatment program or an aftercare program entered into as  
174 part of a board order, settlement agreement or licensee's professional health program;

175 (26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever  
176 of any controlled substance authority, whether agreed to voluntarily or not, or voluntary  
177 termination of a controlled substance authority while under investigation;

178 (27) For a physician to operate, conduct, manage, or establish an abortion facility, or for  
179 a physician to perform an abortion in an abortion facility, if such facility comes under the  
180 definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such  
181 facility has failed to obtain or renew a license as an ambulatory surgical center.

182 3. Collaborative practice arrangements, protocols and standing orders shall be in writing  
183 and signed and dated by a physician prior to their implementation.

184 4. After the filing of such complaint before the administrative hearing commission, the  
185 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding  
186 by the administrative hearing commission that the grounds, provided in subsection 2 of this  
187 section, for disciplinary action are met, the board may, singly or in combination, warn, censure  
188 or place the person named in the complaint on probation on such terms and conditions as the  
189 board deems appropriate for a period not to exceed ten years, or may suspend the person's  
190 license, certificate or permit for a period not to exceed three years, or restrict or limit the person's  
191 license, certificate or permit for an indefinite period of time, or revoke the person's license,  
192 certificate, or permit, or administer a public or private reprimand, or deny the person's  
193 application for a license, or permanently withhold issuance of a license or require the person to  
194 submit to the care, counseling or treatment of physicians designated by the board at the expense  
195 of the individual to be examined, or require the person to attend such continuing educational  
196 courses and pass such examinations as the board may direct.

197 5. In any order of revocation, the board may provide that the person may not apply for  
198 reinstatement of the person's license for a period of time ranging from two to seven years  
199 following the date of the order of revocation. All stay orders shall toll this time period.

200 6. Before restoring to good standing a license, certificate or permit issued pursuant to this  
201 chapter which has been in a revoked, suspended or inactive state for any cause for more than two  
202 years, the board may require the applicant to attend such continuing medical education courses  
203 and pass such examinations as the board may direct.

204 7. In any investigation, hearing or other proceeding to determine a licensee's or  
205 applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall  
206 be discoverable by the board and admissible into evidence, regardless of any statutory or  
207 common law privilege which such licensee, applicant, record custodian or patient might  
208 otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold  
209 records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of  
210 privilege between such licensee, applicant or record custodian and a patient.

334.506. 1. As used in this section, "approved health care provider" means a person  
2 holding a current and active license as a physician and surgeon under this chapter, a chiropractor  
3 under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician  
4 assistant under this chapter, an advanced practice registered nurse under chapter 335, or any  
5 licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another  
6 jurisdiction whose license is in good standing.

7 2. A physical therapist shall not initiate treatment for a new injury or illness without a  
8 prescription from an approved health care provider.

9 3. A physical therapist may provide educational resources and training, develop fitness  
10 or wellness programs for asymptomatic persons, or provide screening or consultative services  
11 within the scope of physical therapy practice without the prescription and direction of an  
12 approved health care provider.

13 4. A physical therapist may examine and treat without the prescription and direction of  
14 an approved health care provider any person with a recurring self-limited injury within one year  
15 of diagnosis by an approved health care provider or a chronic illness that has been previously  
16 diagnosed by an approved health care provider. The physical therapist shall:

17 (1) Contact the patient's current approved health care provider within seven days of  
18 initiating physical therapy services under this subsection;

19 (2) Not change an existing physical therapy referral available to the physical therapist  
20 without approval of the patient's current approved health care provider;

21 (3) Refer to an approved health care provider any patient whose medical condition at the  
22 time of examination or treatment is determined to be beyond the scope of practice of physical  
23 therapy;

24 (4) Refer to an approved health care provider any patient whose condition for which  
25 physical therapy services are rendered under this subsection has not been documented to be  
26 progressing toward documented treatment goals after six visits or fourteen days, whichever first  
27 occurs;

28 (5) Notify the patient's current approved health care provider prior to the continuation  
29 of treatment if treatment rendered under this subsection is to continue beyond thirty days. The  
30 physical therapist shall provide such notification for each successive period of thirty days.

31 5. The provision of physical therapy services of evaluation and screening pursuant to this  
32 section shall be limited to a physical therapist, and any authority for evaluation and screening  
33 granted within this section may not be delegated. Upon each reinitiation of physical therapy  
34 services, a physical therapist shall provide a full physical therapy evaluation prior to the  
35 reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the  
36 provisions of subsection 4 of this section may be delegated by physical therapists to physical

37 therapist assistants only if the patient's current approved health care provider has been so  
38 informed as part of the physical therapist's seven-day notification upon reinitiation of physical  
39 therapy services as required in subsection 4 of this section. Nothing in this subsection shall be  
40 construed as to limit the ability of physical therapists or physical therapist assistants to provide  
41 physical therapy services in accordance with the provisions of this chapter, and upon the referral  
42 of an approved health care provider. Nothing in this subsection shall prohibit an approved health  
43 care provider from acting within the scope of their practice as defined by the applicable chapters  
44 of RSMo.

45 6. No person licensed to practice, or applicant for licensure, as a physical therapist or  
46 physical therapist assistant shall make a medical diagnosis.

47 7. A physical therapist shall only delegate physical therapy treatment to a physical  
48 therapist assistant or to a person in an entry level of a professional education program approved  
49 by the [Commission for Accreditation of Physical Therapists and Physical Therapist Assistant]  
50 **Commission on Accreditation in Physical Therapy** Education (CAPTE) who satisfies  
51 supervised clinical education requirements related to the person's physical therapist or physical  
52 therapist assistant education. The entry-level person shall be under on-site supervision of a  
53 physical therapist.

334.570. 1. Every person licensed under sections 334.500 to 334.620 shall, on or before  
2 the registration renewal date, apply to the board for a certificate of registration for the ensuing  
3 licensing period. The application shall be made under oath on a form furnished to the applicant  
4 by the board. The application shall include, but not be limited to, disclosure of the following:

- 5 (1) The applicant's full name;
- 6 (2) The applicant's office address or addresses and telephone number or numbers;
- 7 (3) The applicant's home address and telephone number;
- 8 (4) The date and number of the applicant's license;
- 9 (5) All final disciplinary actions taken against the applicant by any professional  
10 association or society, licensed hospital or medical staff of a hospital, physical therapy facility,  
11 state, territory, federal agency or [county] **country**; and
- 12 (6) Information concerning the applicant's current physical and mental fitness to practice  
13 his or her profession.

14

15 The applicant may be required to successfully complete a test administered by the board on the  
16 laws and rules related to the practice of physical therapy. The test process, dates, and passing  
17 scores shall be established by the board by rule.

18 2. A notice for application for registration shall be made available to each person  
19 licensed in this state. The failure to receive the notice does not, however, relieve any person of

20 the duty to register and pay the fee required by sections 334.500 to 334.620 nor exempt such  
21 person from the penalties provided by sections 334.500 to 334.620 for failure to register.

22 3. If a physical therapist does not renew such license for two consecutive renewal  
23 periods, such license shall be deemed void.

24 4. Each applicant for registration shall accompany the application for registration with  
25 a registration fee to be paid to the director of revenue for the licensing period for which  
26 registration is sought.

27 5. If the application is filed and the fee paid after the registration renewal date, a  
28 delinquent fee shall be paid; except that, whenever in the opinion of the board the applicant's  
29 failure to register is caused by extenuating circumstances including illness of the applicant, as  
30 defined by rule, the delinquent fee may be waived by the board.

31 6. Upon application and submission by such person of evidence satisfactory to the board  
32 that such person is licensed to practice in this state and upon the payment of fees required to be  
33 paid by this chapter, the board shall issue to such person a certificate of registration. The  
34 certificate of registration shall contain the name of the person to whom it is issued and his or her  
35 office address, the expiration date, and the number of the license to practice.

36 7. Upon receiving such certificate, every person shall cause the certificate to be readily  
37 available or conspicuously displayed at all times in every practice location maintained by such  
38 person in the state. If the licensee maintains more than one practice location in this state, the  
39 board shall, without additional fee, issue to such licensee duplicate certificates of registration for  
40 each practice location so maintained. If any licensee changes practice locations during the period  
41 for which any certificate of registration has been issued, the licensee shall, within fifteen days  
42 thereafter, notify the board of such change and the board shall issue to the licensee, without  
43 additional fee, a new registration certificate showing the new location.

44 8. Whenever any new license is granted to any physical therapist or physical therapist  
45 assistant under the provisions of this chapter, the board shall, upon application therefor, issue to  
46 such physical therapist or physical therapist assistant a certificate of registration covering a  
47 period from the date of the issuance of the license to the next renewal date without the payment  
48 of any registration fee.

334.610. Any person who holds himself or herself out to be a physical therapist or a  
2 licensed physical therapist within this state or any person who advertises as a physical therapist  
3 or claims that the person can render physical therapy services and who, in fact, does not hold a  
4 valid physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall  
5 be punished as provided by law. Any person who, in any manner, represents himself or herself  
6 as a physical therapist, or who uses in connection with such person's name the words or letters  
7 "physical therapist", "physiotherapist", "registered physical therapist", "doctor of physical

8 therapy", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", "D.P.T.", "M.P.T.", or any other letters, words,  
9 abbreviations or insignia, indicating or implying that the person is a physical therapist without  
10 a valid existing license as a physical therapist issued to such person pursuant to the provisions  
11 of sections 334.500 to 334.620, is guilty of a class B misdemeanor. Nothing in sections 334.500  
12 to 334.620 shall prohibit any person licensed in this state under chapter 331 from carrying out  
13 the practice for which the person is duly licensed, or from advertising the use of physiologic and  
14 rehabilitative modalities; nor shall it prohibit any person licensed or registered in this state under  
15 section 334.735 or any other law from carrying out the practice for which the person is duly  
16 licensed or registered; nor shall it prevent professional and semiprofessional teams, schools,  
17 YMCA clubs, athletic clubs and similar organizations from furnishing treatment to their players  
18 and members. This section, also, shall not be construed so as to prohibit masseurs and  
19 masseuses from engaging in their practice not otherwise prohibited by law and provided they do  
20 not represent themselves as physical therapists. This section shall not apply to physicians and  
21 surgeons licensed under this chapter or to a person in an entry level of a professional education  
22 program approved by the [commission for accreditation of physical therapists and physical  
23 therapist assistant education] **Commission on Accreditation in Physical Therapy Education**  
24 (CAPTE) who is satisfying supervised clinical education requirements related to the person's  
25 physical therapist or physical therapist assistant education while under on-site supervision of a  
26 physical therapist; or to a physical therapist who is practicing in the United States Armed  
27 [Services] **Forces**, United States Public Health Service, or Veterans Administration under federal  
28 regulations for state licensure for health care providers.

334.613. 1. The board may refuse to issue or renew a license to practice as a physical  
2 therapist or physical therapist assistant for one or any combination of causes stated in subsection  
3 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and  
4 shall advise the applicant of the applicant's right to file a complaint with the administrative  
5 hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew  
6 a license to practice as a physical therapist or physical therapist assistant, the board may, at its  
7 discretion, issue a license which is subject to probation, restriction, or limitation to an applicant  
8 for licensure for any one or any combination of causes stated in subsection 2 of this section. The  
9 board's order of probation, limitation, or restriction shall contain a statement of the discipline  
10 imposed, the basis therefor, the date such action shall become effective, and a statement that the  
11 applicant has thirty days to request in writing a hearing before the administrative hearing  
12 commission. If the board issues a probationary, limited, or restricted license to an applicant for  
13 licensure, either party may file a written petition with the administrative hearing commission  
14 within thirty days of the effective date of the probationary, limited, or restricted license seeking  
15 review of the board's determination. If no written request for a hearing is received by the

16 administrative hearing commission within the thirty-day period, the right to seek review of the  
17 board's decision shall be considered as waived.

18         2. The board may cause a complaint to be filed with the administrative hearing  
19 commission as provided by chapter 621 against any holder of a license to practice as a physical  
20 therapist or physical therapist assistant who has failed to renew or has surrendered his or her  
21 license for any one or any combination of the following causes:

22             (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
23 an extent that such use impairs a person's ability to perform the work of a physical therapist or  
24 physical therapist assistant;

25             (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
26 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
27 for any offense reasonably related to the qualifications, functions, or duties of a physical therapist  
28 or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty,  
29 or an act of violence, or for any offense involving moral turpitude, whether or not sentence is  
30 imposed;

31             (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of  
32 registration or authority, permit, or license issued under this chapter or in obtaining permission  
33 to take any examination given or required under this chapter;

34             (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or  
35 unprofessional conduct in the performance of the functions or duties of a physical therapist or  
36 physical therapist assistant, including but not limited to the following:

37                 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by  
38 fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating  
39 patients; or charging for sessions of physical therapy which did not occur unless the services  
40 were contracted for in advance, or for services which were not rendered or documented in the  
41 patient's records;

42                 (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to  
43 obtain or retain a patient or discourage the use of a second opinion or consultation;

44                 (c) Willfully and continually performing inappropriate or unnecessary treatment or  
45 services;

46                 (d) Delegating professional responsibilities to a person who is not qualified by training,  
47 skill, competency, age, experience, or licensure to perform such responsibilities;

48                 (e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method,  
49 procedure, treatment, medicine, or device;

50                 (f) Performing services which have been declared by board rule to be of no physical  
51 therapy value;

52 (g) Final disciplinary action by any professional association, professional society,  
53 licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other  
54 state or territory, whether agreed to voluntarily or not, and including but not limited to any  
55 removal, suspension, limitation, or restriction of the person's professional employment,  
56 malpractice, or any other violation of any provision of this chapter;

57 (h) Administering treatment without sufficient examination, or for other than medically  
58 accepted therapeutic or experimental or investigative purposes duly authorized by a state or  
59 federal agency, or not in the course of professional physical therapy practice;

60 (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual,  
61 while a physical therapist or physical therapist assistant/patient relationship exists; making sexual  
62 advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of  
63 a sexual nature with patients or clients;

64 (j) Terminating the care of a patient without adequate notice or without making other  
65 arrangements for the continued care of the patient;

66 (k) Failing to furnish details of a patient's physical therapy records to treating physicians,  
67 other physical therapists, or hospitals upon proper request; or failing to comply with any other  
68 law relating to physical therapy records;

69 (l) Failure of any applicant or licensee, other than the licensee subject to the  
70 investigation, to cooperate with the board during any investigation;

71 (m) Failure to comply with any subpoena or subpoena duces tecum from the board or  
72 an order of the board;

73 (n) Failure to timely pay license renewal fees specified in this chapter;

74 (o) Violating a probation agreement with this board or any other licensing agency;

75 (p) Failing to inform the board of the physical therapist's or physical therapist assistant's  
76 current telephone number, residence, and business address;

77 (q) Advertising by an applicant or licensee which is false or misleading, or which  
78 violates any rule of the board, or which claims without substantiation the positive cure of any  
79 disease, or professional superiority to or greater skill than that possessed by any other physical  
80 therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this  
81 provision if the applicant or licensee has a financial interest in any organization, corporation, or  
82 association which issues or conducts such advertising;

83 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or  
84 physical health of a patient or the public; or incompetency, gross negligence, or repeated  
85 negligence in the performance of the functions or duties of a physical therapist or physical  
86 therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure,

87 on more than one occasion, to use that degree of skill and learning ordinarily used under the  
88 same or similar circumstances by the member of the applicant's or licensee's profession;

89 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling  
90 any person to violate, any provision of this chapter, or of any lawful rule adopted under this  
91 chapter;

92 (7) Impersonation of any person licensed as a physical therapist or physical therapist  
93 assistant or allowing any person to use his or her license or diploma from any school;

94 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
95 censure, probation, or other final disciplinary action against a physical therapist or physical  
96 therapist assistant for a license or other right to practice as a physical therapist or physical  
97 therapist assistant by another state, territory, federal agency or country, whether or not voluntarily  
98 agreed to by the licensee or applicant, including but not limited to the denial of licensure,  
99 surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the  
100 practice of physical therapy while subject to an investigation or while actually under  
101 investigation by any licensing authority, medical facility, branch of the Armed Forces of the  
102 United States of America, insurance company, court, agency of the state or federal government,  
103 or employer;

104 (9) A person is finally adjudged incapacitated or disabled by a court of competent  
105 jurisdiction;

106 (10) Assisting or enabling any person to practice or offer to practice who is not licensed  
107 and currently eligible to practice under this chapter; or knowingly performing any act which in  
108 any way aids, assists, procures, advises, or encourages any person to practice physical therapy  
109 who is not licensed and currently eligible to practice under this chapter;

110 (11) Issuance of a license to practice as a physical therapist or physical therapist assistant  
111 based upon a material mistake of fact;

112 (12) Failure to display a valid license pursuant to practice as a physical therapist or  
113 physical therapist assistant;

114 (13) Knowingly making, or causing to be made, or aiding, or abetting in the making of,  
115 a false statement in any document executed in connection with the practice of physical therapy;

116 (14) Soliciting patronage in person or by agents or representatives, or by any other means  
117 or manner, under the person's own name or under the name of another person or concern, actual  
118 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or  
119 necessity for or appropriateness of physical therapy services for all patients, or the qualifications  
120 of an individual person or persons to render, or perform physical therapy services;

121 (15) Using, or permitting the use of, the person's name under the designation of "physical  
122 therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.",

123 "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any  
124 similar designation with reference to the commercial exploitation of any goods, wares or  
125 merchandise;

126 (16) Knowingly making or causing to be made a false statement or misrepresentation of  
127 a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for  
128 payment from Title XVIII or Title XIX of the [federal Medicare program] **Social Security Act**;

129 (17) Failure or refusal to properly guard against contagious, infectious, or communicable  
130 diseases or the spread thereof; maintaining an unsanitary facility or performing professional  
131 services under unsanitary conditions; or failure to report the existence of an unsanitary condition  
132 in any physical therapy facility to the board, in writing, within thirty days after the discovery  
133 thereof;

134 (18) Any candidate for licensure or person licensed to practice as a physical therapist or  
135 physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section  
136 334.010 to the contrary, practicing or offering to practice professional physical therapy  
137 independent of the prescription and direction of a person licensed and registered as a physician  
138 and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor  
139 under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an  
140 advanced practice registered nurse under chapter 335, or any licensed and registered physician,  
141 chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another  
142 jurisdiction, whose license is in good standing;

143 (19) Any candidate for licensure or person licensed to practice as a physical therapist or  
144 physical therapist assistant treating or attempting to treat ailments or other health conditions of  
145 human beings other than by professional physical therapy and as authorized by sections 334.500  
146 to 334.685;

147 (20) A pattern of personal use or consumption of any controlled substance unless it is  
148 prescribed, dispensed, or administered by a physician who is authorized by law to do so;

149 (21) Failing to maintain adequate patient records under 334.602;

150 (22) Attempting to engage in conduct that subverts or undermines the integrity of the  
151 licensing examination or the licensing examination process, including but not limited to utilizing  
152 in any manner recalled or memorized licensing examination questions from or with any person  
153 or entity, failing to comply with all test center security procedures, communicating or attempting  
154 to communicate with any other examinees during the test, or copying or sharing licensing  
155 examination questions or portions of questions;

156 (23) Any candidate for licensure or person licensed to practice as a physical therapist or  
157 physical therapist assistant who requests, receives, participates or engages directly or indirectly  
158 in the division, transferring, assigning, rebating or refunding of fees received for professional

159 services or profits by means of a credit or other valuable consideration such as wages, an  
160 unearned commission, discount or gratuity with any person who referred a patient, or with any  
161 relative or business associate of the referring person;

162 (24) Being unable to practice as a physical therapist or physical therapist assistant with  
163 reasonable skill and safety to patients by reasons of incompetency, or because of illness,  
164 drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical  
165 condition. The following shall apply to this subdivision:

166 (a) In enforcing this subdivision the board shall, after a hearing by the board, upon a  
167 finding of probable cause, require a physical therapist or physical therapist assistant to submit  
168 to a reexamination for the purpose of establishing his or her competency to practice as a physical  
169 therapist or physical therapist assistant conducted in accordance with rules adopted for this  
170 purpose by the board, including rules to allow the examination of the pattern and practice of such  
171 physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental  
172 or physical examination or combination thereof by a facility or professional approved by the  
173 board;

174 (b) For the purpose of this subdivision, every physical therapist and physical therapist  
175 assistant licensed under this chapter is deemed to have consented to submit to a mental or  
176 physical examination when directed in writing by the board;

177 (c) In addition to ordering a physical or mental examination to determine competency,  
178 the board may, notwithstanding any other law limiting access to medical or other health data,  
179 obtain medical data and health records relating to a physical therapist, physical therapist assistant  
180 or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

181 (d) Written notice of the reexamination or the physical or mental examination shall be  
182 sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the  
183 physical therapist or physical therapist assistant at the physical therapist's or physical therapist  
184 assistant's last known address. Failure of a physical therapist or physical therapist assistant to  
185 submit to the examination when directed shall constitute an admission of the allegations against  
186 the physical therapist or physical therapist assistant, in which case the board may enter a final  
187 order without the presentation of evidence, unless the failure was due to circumstances beyond  
188 the physical therapist's or physical therapist assistant's control. A physical therapist or physical  
189 therapist assistant whose right to practice has been affected under this subdivision shall, at  
190 reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or  
191 physical therapist assistant can resume the competent practice as a physical therapist or physical  
192 therapist assistant with reasonable skill and safety to patients;

193 (e) In any proceeding under this subdivision neither the record of proceedings nor the  
194 orders entered by the board shall be used against a physical therapist or physical therapist

195 assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the  
196 board without the filing of a complaint with the administrative hearing commission;

197 (f) When the board finds any person unqualified because of any of the grounds set forth  
198 in this subdivision, it may enter an order imposing one or more of the disciplinary measures set  
199 forth in subsection 3 of this section.

200 3. After the filing of such complaint before the administrative hearing commission, the  
201 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding  
202 by the administrative hearing commission that the grounds provided in subsection 2 of this  
203 section for disciplinary action are met, the board may, singly or in combination:

204 (1) Warn, censure or place the physical therapist or physical therapist assistant named  
205 in the complaint on probation on such terms and conditions as the board deems appropriate for  
206 a period not to exceed ten years;

207 (2) Suspend the physical therapist's or physical therapist assistant's license for a period  
208 not to exceed three years;

209 (3) Restrict or limit the physical therapist's or physical therapist assistant's license for an  
210 indefinite period of time;

211 (4) Revoke the physical therapist's or physical therapist assistant's license;

212 (5) Administer a public or private reprimand;

213 (6) Deny the physical therapist's or physical therapist assistant's application for a license;

214 (7) Permanently withhold issuance of a license;

215 (8) Require the physical therapist or physical therapist assistant to submit to the care,  
216 counseling or treatment of physicians designated by the board at the expense of the physical  
217 therapist or physical therapist assistant to be examined;

218 (9) Require the physical therapist or physical therapist assistant to attend such continuing  
219 educational courses and pass such examinations as the board may direct.

220 4. In any order of revocation, the board may provide that the physical therapist or  
221 physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical  
222 therapist assistant's license for a period of time ranging from two to seven years following the  
223 date of the order of revocation. All stay orders shall toll this time period.

224 5. Before restoring to good standing a license issued under this chapter which has been  
225 in a revoked, suspended, or inactive state for any cause for more than two years, the board may  
226 require the applicant to attend such continuing medical education courses and pass such  
227 examinations as the board may direct.

228 6. In any investigation, hearing or other proceeding to determine a physical therapist's,  
229 physical therapist assistant's or applicant's fitness to practice, any record relating to any patient  
230 of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the

231 board and admissible into evidence, regardless of any statutory or common law privilege which  
232 such physical therapist, physical therapist assistant, applicant, record custodian, or patient might  
233 otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant,  
234 or record custodian may withhold records or testimony bearing upon a physical therapist's,  
235 physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between  
236 such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.  
237

334.618. Upon receiving information that any provision of sections 334.500 to 334.687  
2 has been or is being violated, the executive director of the board or other person designated by  
3 the board shall investigate and, upon probable cause appearing, the executive director shall,  
4 under the direction of the board, file a complaint with the administrative hearing commission or  
5 appropriate official or court. All such complaints shall be handled as provided by rule  
6 promulgated under [subdivision (6) of subsection 16 of section 620.010] **section 324.002**.

334.686. Any person who holds himself or herself out to be a physical therapist assistant  
2 or a licensed physical therapist assistant within this state or any person who advertises as a  
3 physical therapist assistant and who, in fact, does not hold a valid physical therapist assistant  
4 license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided  
5 by law. Any person who, in any manner, represents himself or herself as a physical therapist  
6 assistant, or who uses in connection with such person's name the words or letters, "physical  
7 therapist assistant", the letters "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any other letters, words,  
8 abbreviations or insignia, indicating or implying that the person is a physical therapist assistant  
9 without a valid existing license as a physical therapist assistant issued to such person under the  
10 provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. This section shall  
11 not apply to physicians and surgeons licensed under this chapter or to a person in an entry level  
12 of a professional education program approved by the [Commission for Accreditation of Physical  
13 Therapists and Physical Therapist Assistant] **Commission on Accreditation in Physical**  
14 **Therapy** Education (CAPTE) who is satisfying supervised clinical education requirements  
15 related to the person's physical therapist or physical therapist assistant education while under  
16 on-site supervision of a physical therapist; or to a physical therapist who is practicing in the  
17 United States Armed Forces, United States Public Health Service, or Veterans Administration  
18 under federal regulations for state licensure for health care providers.

335.036. 1. The board shall:

2 (1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and  
3 the board may appoint, employ and fix the compensation of a legal counsel and such board  
4 personnel as defined in subdivision (4) of subsection [10] **11** of section 324.001 as are necessary  
5 to administer the provisions of sections 335.011 to 335.096;

- 6 (2) Adopt and revise such rules and regulations as may be necessary to enable it to carry  
7 into effect the provisions of sections 335.011 to 335.096;
- 8 (3) Prescribe minimum standards for educational programs preparing persons for  
9 licensure pursuant to the provisions of sections 335.011 to 335.096;
- 10 (4) Provide for surveys of such programs every five years and in addition at such times  
11 as it may deem necessary;
- 12 (5) Designate as "approved" such programs as meet the requirements of sections 335.011  
13 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall  
14 annually publish a list of such programs;
- 15 (6) Deny or withdraw approval from educational programs for failure to meet prescribed  
16 minimum standards;
- 17 (7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;
- 18 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to  
19 335.096, and may incur such necessary expenses therefor;
- 20 (9) Keep a record of all the proceedings; and make an annual report to the governor and  
21 to the director of the department of insurance, financial institutions and professional registration;
- 22 (10) Establish an impaired nurse program.
- 23 2. The board shall set the amount of the fees which this chapter authorizes and requires  
24 by rules and regulations. The fees shall be set at a level to produce revenue which shall not  
25 substantially exceed the cost and expense of administering this chapter.
- 26 3. All fees received by the board pursuant to the provisions of sections 335.011 to  
27 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of  
28 nursing fund. All administrative costs and expenses of the board shall be paid from  
29 appropriations made for those purposes. The board is authorized to provide funding for the  
30 nursing education incentive program established in sections 335.200 to 335.203.
- 31 4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
32 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
33 at the end of the biennium exceeds two times the amount of the appropriation from the board's  
34 funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently  
35 than yearly, then three times the appropriation from the board's funds for the preceding fiscal  
36 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds  
37 the appropriate multiple of the appropriations from the board's funds for the preceding fiscal  
38 year.
- 39 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
40 under the authority delegated in this chapter shall become effective only if it complies with and  
41 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All

42 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.  
43 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or  
44 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This  
45 section and chapter 536 are nonseverable and if any of the powers vested with the general  
46 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
47 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
48 any rule proposed or adopted after August 28, 1999, shall be invalid and void.

336.160. 1. The board may adopt reasonable rules and regulations within the scope and  
2 terms of this chapter for the proper administration and enforcement thereof. It may employ such  
3 board personnel, as defined in subdivision (4) of subsection [10] 11 of section 324.001, as it  
4 deems necessary within appropriations therefor.

5 2. The board shall set the amount of the fees which this chapter authorizes and requires  
6 by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level  
7 to produce revenue which shall not substantially exceed the cost and expense of administering  
8 this chapter.

337.030. 1. Each psychologist licensed pursuant to the provisions of sections 337.010  
2 to 337.090, who has not filed with the committee a verified statement that the psychologist has  
3 retired from or terminated the psychologist's practice of psychology in this state, shall register  
4 with the division on or before the registration renewal date. The division shall require a  
5 registration fee which shall be submitted together with proof of compliance with the continuing  
6 education requirement as provided in section 337.050 and any other information required for  
7 such registration. Upon receipt of the required material and of the registration fee, the division  
8 shall issue a renewal certificate of registration. [The division shall,] When issuing an initial  
9 license to an applicant who has met all of the qualifications of sections 337.010 to 337.093 and  
10 has been approved for licensure by the committee, **the division** shall grant the applicant, without  
11 payment of any further fee, a certificate of registration valid until the next registration renewal  
12 date.

13 2. The division shall mail a renewal notice to the last known address of each licensee  
14 prior to the registration renewal date. Failure to provide the division with the proof of  
15 compliance with the continuing education requirement and other information required for  
16 registration, or to pay the registration fee after such notice shall [effect a revocation of the license  
17 after a period of sixty days from the registration renewal date] **result in the expiration of the**  
18 **license**. The license shall be restored if, within two years of the registration renewal date, the  
19 applicant provides written application and the payment of the registration fee and a delinquency  
20 fee and proof of compliance with the requirements for continuing education as provided in  
21 section 337.050.

22           3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
23 subject to the rules of the committee, upon payment of a reasonable fee.

24           4. The committee shall set the amount of the fees authorized by sections 337.010 to  
25 337.093 and required by rules and regulations promulgated pursuant to section 536.021. The fees  
26 shall be set at a level to produce revenue which shall not substantially exceed the cost and  
27 expense of administering sections 337.010 to 337.090.

28           5. The committee is authorized to issue an inactive license to any licensee who makes  
29 written application for such license on a form provided by the board and remits the fee for an  
30 inactive license established by the committee. An inactive license may be issued only to a person  
31 who has previously been issued a license to practice psychology in this state, who is no longer  
32 regularly engaged in such practice and who does not hold himself or herself out to the public as  
33 being professionally engaged in such practice in this state. Each inactive license shall be subject  
34 to all provisions of this chapter, except as otherwise specifically provided. Each inactive license  
35 may be renewed by the committee subject to all provisions of this section and all other provisions  
36 of this chapter. The inactive licensee shall not be required to submit evidence of completion of  
37 continuing education as required by this chapter. An inactive licensee may apply for a license  
38 to regularly engage in the practice of psychology upon filing a written application on a form  
39 provided by the committee, submitting the reactivation fee established by the committee, and  
40 submitting proof of current competency as established by the committee.

          337.347. For reimbursement and billing purposes of section 376.1224, services provided  
2 by a provisionally licensed assistant behavior analyst, a provisionally licensed behavior analyst,  
3 or a temporary licensed behavior analyst shall be billed by the supervising [board-certified]  
4 **licensed** behavior analyst.

          337.507. 1. Applications for examination and licensure as a professional counselor shall  
2 be in writing, submitted to the division on forms prescribed by the division and furnished to the  
3 applicant. The application shall contain the applicant's statements showing his education,  
4 experience and such other information as the division may require. Each application shall  
5 contain a statement that it is made under oath or affirmation and that the information contained  
6 therein is true and correct to the best knowledge and belief of the applicant, subject to the  
7 penalties provided for the making of a false affidavit or declaration. Each application shall be  
8 accompanied by the fees required by the committee.

9           2. The division shall mail a renewal notice to the last known address of each licensee  
10 prior to the registration renewal date. Failure to provide the division with the information  
11 required for registration, or to pay the registration fee after such notice shall [effect a revocation  
12 of the license after a period of sixty days from the registration renewal date] **result in the**  
13 **expiration of the license**. The license shall be restored if, within two years of the registration

14 date, the applicant provides written application and the payment of the registration fee and a  
15 delinquency fee.

16 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
17 subject to the rules of the committee, upon payment of a fee.

18 4. The committee shall set the amount of the fees which sections 337.500 to 337.540  
19 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees  
20 shall be set at a level to produce revenue which shall not substantially exceed the cost and  
21 expense of administering the provisions of sections 337.500 to 337.540. All fees provided for  
22 in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with  
23 the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".  
24

25 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
26 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
27 at the end of the biennium exceeds two times the amount of the appropriation from the  
28 committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less  
29 frequently than yearly then three times the appropriation from the committee's fund for the  
30 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the  
31 fund which exceeds the appropriate multiple of the appropriations from the committee's fund for  
32 the preceding fiscal year.

33 6. The committee shall hold public examinations at least two times per year, at such  
34 times and places as may be fixed by the committee, notice of such examinations to be given to  
35 each applicant at least ten days prior thereto.

337.612. 1. Applications for licensure as a clinical social worker, baccalaureate social  
2 worker, advanced macro social worker or master social worker shall be in writing, submitted to  
3 the committee on forms prescribed by the committee and furnished to the applicant. The  
4 application shall contain the applicant's statements showing the applicant's education, experience,  
5 and such other information as the committee may require. Each application shall contain a  
6 statement that it is made under oath or affirmation and that the information contained therein is  
7 true and correct to the best knowledge and belief of the applicant, subject to the penalties  
8 provided for the making of a false affidavit or declaration. Each application shall be  
9 accompanied by the fees required by the committee.

10 2. The committee shall mail a renewal notice to the last known address of each licensee  
11 prior to the licensure renewal date. Failure to provide the committee with the information  
12 required for licensure, or to pay the licensure fee after such notice shall [effect a revocation of  
13 the license after a period of sixty days from the licensure renewal date] **result in the expiration**  
14 **of the license**. The license shall be restored if, within two years of the licensure date, the

15 applicant provides written application and the payment of the licensure fee and a delinquency  
16 fee.

17 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
18 subject to the rules of the committee, upon payment of a fee.

19 4. The committee shall set the amount of the fees which sections 337.600 to 337.689  
20 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees  
21 shall be set at a level to produce revenue which shall not substantially exceed the cost and  
22 expense of administering the provisions of sections 337.600 to 337.689. All fees provided for  
23 in sections 337.600 to 337.689 shall be collected by the director who shall deposit the same with  
24 the state treasurer in a fund to be known as the "Clinical Social Workers Fund". After August  
25 28, 2007, the clinical social workers fund shall be called the "Licensed Social Workers Fund"  
26 and after such date all references in state law to the clinical social workers fund shall be  
27 considered references to the licensed social workers fund.

28 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
29 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
30 at the end of the biennium exceeds two times the amount of the appropriations from the [clinical]  
31 **licensed** social workers fund for the preceding fiscal year or, if the committee requires by rule  
32 renewal less frequently than yearly, then three times the appropriation from the committee's fund  
33 for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount  
34 in the fund which exceeds the appropriate multiple of the appropriations from the clinical social  
35 workers fund for the preceding fiscal year.

337.662. 1. Applications for licensure as a baccalaureate social worker shall be in  
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the  
3 applicant. The application shall contain the applicant's statements showing the applicant's  
4 education, experience and such other information as the committee may require. Each  
5 application shall contain a statement that it is made under oath or affirmation and that the  
6 information contained therein is true and correct to the best knowledge and belief of the  
7 applicant, subject to the penalties provided for the making of a false affidavit or declaration.  
8 Each application shall be accompanied by the fees required by the committee.

9 2. The committee shall mail a renewal notice to the last known address of each licensee  
10 prior to the licensure renewal date. Failure to provide the committee with the information  
11 required for licensure, or to pay the licensure fee after such notice shall [effect a revocation of  
12 the license after a period of sixty days from the licensure renewal date] **result in the expiration**  
13 **of the license**. The license shall be restored if, within two years of the licensure date, the  
14 applicant provides written application and the payment of the licensure fee and a delinquency  
15 fee.

16           3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
17 subject to the rules of the committee, upon payment of a fee.

18           4. The committee shall set the amount of the fees which sections 337.650 to 337.689  
19 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees  
20 shall be set at a level to produce revenue which shall not substantially exceed the cost and  
21 expense of administering the provisions of sections 337.650 to 337.689. All fees provided for  
22 in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with  
23 the state treasurer in the clinical social workers fund established in section 337.612.

          337.712. 1. Applications for licensure as a marital and family therapist shall be in  
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the  
3 applicant. The application shall contain the applicant's statements showing the applicant's  
4 education, experience and such other information as the committee may require. Each  
5 application shall contain a statement that it is made under oath or affirmation and that the  
6 information contained therein is true and correct to the best knowledge and belief of the  
7 applicant, subject to the penalties provided for the making of a false affidavit or declaration.  
8 Each application shall be accompanied by the fees required by the division.

9           2. The division shall mail a renewal notice to the last known address of each licensee  
10 prior to the licensure renewal date. Failure to provide the division with the information required  
11 for [license] **licensure**, or to pay the licensure fee after such notice shall [effect a revocation of  
12 the license after a period of sixty days from the license renewal date] **result in the expiration**  
13 **of the license**. The license shall be restored if, within two years of the licensure date, the  
14 applicant provides written application and the payment of the licensure fee and a delinquency  
15 fee.

16           3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
17 subject to the rules of the division upon payment of a fee.

18           4. The committee shall set the amount of the fees authorized. The fees shall be set at a  
19 level to produce revenue which shall not substantially exceed the cost and expense of  
20 administering the provisions of sections 337.700 to 337.739. All fees provided for in sections  
21 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state  
22 treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

23           5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
24 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
25 at the end of the biennium exceeds two times the amount of the appropriations from the marital  
26 and family therapists' fund for the preceding fiscal year or, if the division requires by rule  
27 renewal less frequently than yearly then three times the appropriation from the fund for the  
28 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the

29 fund which exceeds the appropriate multiple of the appropriations from the marital and family  
30 therapists' fund for the preceding fiscal year.

338.130. 1. Each member of the board shall receive as compensation an amount set by  
2 the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be  
3 entitled to reimbursement of the member's expenses necessarily incurred in the discharge of the  
4 member's official duties.

5 2. The board may employ such board personnel, as defined in subdivision (4) of  
6 subsection [10] 11 of section 324.001, as it deems necessary to carry out the provisions of this  
7 chapter. The compensation and expenses of such personnel and all expenses incurred by the  
8 board in carrying into execution the provisions of this chapter shall be paid out of the board of  
9 pharmacy fund upon a warrant on the state treasurer.

339.120. 1. There is hereby created the "Missouri Real Estate Commission", to consist  
2 of seven persons, citizens of the United States and residents of this state for at least one year  
3 prior to their appointment, for the purpose of carrying out and enforcing the provisions of  
4 sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall be  
5 appointed by the governor with the advice and consent of the senate. All members, except one  
6 voting public member, of the commission must have had at least ten years' experience as a real  
7 estate broker prior to their appointment. The terms of the members of the commission shall be  
8 for five years, and until their successors are appointed and qualified. Members to fill vacancies  
9 shall be appointed by the governor for the unexpired term. The president of the Missouri  
10 Association of Realtors in office at the time shall, at least ninety days prior to the expiration of  
11 the term of the board member, other than the public member, or as soon as feasible after the  
12 vacancy on the board otherwise occurs, submit to the director of the division of professional  
13 registration a list of five realtors qualified and willing to fill the vacancy in question, with the  
14 request and recommendation that the governor appoint one of the five persons so listed, and with  
15 the list so submitted, the president of the Missouri Association of Realtors shall include in his  
16 or her letter of transmittal a description of the method by which the names were chosen by that  
17 association. The commission shall organize annually by selecting from its members a chairman.  
18 The commission may do all things necessary and convenient for carrying into effect the  
19 provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860, and may promulgate  
20 necessary rules compatible with the provisions of sections 339.010 to 339.180 and sections  
21 339.710 to 339.860. Each member of the commission shall receive as compensation an amount  
22 set by the commission not to exceed seventy-five dollars for each day devoted to the affairs of  
23 the commission, and shall be entitled to reimbursement of his or her expenses necessarily  
24 incurred in the discharge of his or her official duties. The governor may remove any  
25 commissioner for cause.

26           2. The public member shall be at the time of his or her appointment a citizen of the  
27 United States; a resident of this state for a period of one year and a registered voter; a person who  
28 is not and never was a member of any profession licensed or regulated pursuant to sections  
29 339.010 to 339.180 and sections 339.710 to 339.860 or the spouse of such person; and a person  
30 who does not have and never has had a material, financial interest in either the providing of the  
31 professional services regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860,  
32 or an activity or organization directly related to any profession licensed or regulated pursuant to  
33 sections 339.010 to 339.180 and sections 339.710 to 339.860. All members, including public  
34 members, shall be chosen from lists submitted by the director of the division of professional  
35 registration. The duties of the public member shall not include the determination of the technical  
36 requirements to be met for licensure or whether any person meets such technical requirements  
37 or of the technical competence or technical judgment of a licensee or a candidate for licensure.

38

39           3. The commission shall employ such board personnel, as defined in subdivision (4) of  
40 subsection [10] **11** of section 324.001, as it shall deem necessary to discharge the duties imposed  
41 by the provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860.

42           4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
43 under the authority delegated in sections 339.010 to 339.180 and sections 339.710 to 339.860  
44 shall become effective only if it complies with and is subject to all of the provisions of chapter  
45 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28,  
46 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal  
47 or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied  
48 with all applicable provisions of law. This section and chapter 536 are nonseverable and if any  
49 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
50 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
51 grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be  
52 invalid and void.

345.035. 1. The board may, within the limits of appropriations, employ such board  
2 personnel as defined in subdivision (4) of subsection [10] **11** of section 324.001 as may be  
3 necessary to carry out its duties.

4           2. All expenses of the board shall be paid only from appropriations made for that purpose  
5 from the board of registration for the healing arts fund.

361.120. 1. The director of finance shall preserve all records, reports and papers of every  
2 kind pertaining to the division of finance for a period of ten years, and shall permanently  
3 preserve all records, reports and papers of a permanent value, including articles of association  
4 and all amendments thereto, and all articles of merger or consolidation and amendments thereto.

5 The director of finance shall make a written report to the governor whenever required by the  
6 governor.

7 2. During each biennial session of the general assembly the director shall[, in the  
8 presence of a joint committee of the house of representatives and the senate,] destroy by burning  
9 or by any other method [satisfactory to said joint committee] the records, papers and reports  
10 which may be disposed of pursuant to this section. [The joint committee shall consist of four  
11 members of the house of representatives to be appointed by the speaker of the house of  
12 representatives and two members of the senate to be appointed by the president pro tem of the  
13 senate.]

386.145. The chairman of the public service commission[, in the presence of the speaker  
2 of the house of representatives or some member of the house of representatives designated in  
3 writing by said speaker and the president pro tem of the senate or some member of the senate  
4 designated in writing by said president pro tem,] may destroy by burning, or otherwise dispose  
5 of as ordered by the public service commission, such records, financial statements and such  
6 public documents which shall at the time of destruction or disposal have been on file in the office  
7 of the public service commission for a period of five years or longer and which are determined  
8 by the public service commission to be obsolete or of no further public use or value, except such  
9 records and documents as may at the time be the subject of litigation or dispute.

407.485. 1. It shall be an unfair business practice in violation of section 407.020 for a  
2 for-profit entity or natural person to collect unwanted household items via a public receptacle  
3 and resell the deposited items for profit unless the deposited item receptacle prominently displays  
4 a statement in bold letters at least two inches high and two inches wide stating: "DEPOSITED  
5 ITEMS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR  
6 PROFIT. DEPOSITED ITEMS ARE NOT TAX DEDUCTIBLE."

7 2. It shall be an unfair business practice in violation of section 407.020 for a for-profit  
8 entity or natural person to collect donations of unwanted household items via a public receptacle  
9 and resell the donated items where some or all of the proceeds from the sale are directly given  
10 to a not-for-profit entity unless the donation receptacle prominently displays a statement in bold  
11 letters at least two inches high and two inches wide stating: "DONATIONS TO THE  
12 FOR-PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of  
13 proceeds donated to the not-for-profit) % OF ALL PROCEEDS ARE DONATED TO (name of  
14 the nonprofit beneficiary organization's name)."

15 3. It shall be an unfair business practice in violation of section 407.020 for a for-profit  
16 entity or natural person to collect donations of unwanted household items via a public receptacle  
17 and resell the donated items, where such for-profit entity is paid a flat fee, not contingent upon  
18 the proceeds generated by the sale of the collected goods, and one hundred percent of the

19 proceeds from the sale of the items are given directly to the not-for-profit, unless the donation  
20 receptacle prominently displays a statement in bold letters at least two inches high and two  
21 inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE  
22 FOR-PROFIT ENTITY: (name of the for-profit/individual) ON BEHALF OF (name of the  
23 nonprofit beneficiary organization's name).".

24 4. It shall be an unfair business practice in violation of section 407.020 for a  
25 not-for-profit entity to collect donations of unwanted household items via a public receptacle and  
26 resell the donated items unless the donation receptacle prominently displays a statement in bold  
27 letters at least two inches high and two inches wide stating: "THIS RECEPTACLE IS OWNED  
28 AND OPERATED BY THE NOT-FOR-PROFIT ENTITY: (name of the not-for-profit/charity)  
29 AND (% of proceeds donated to the not-for-profit) % OF THE PROCEEDS FROM THE SALE  
30 OF ANY DONATIONS SHALL BE USED FOR THE CHARITABLE MISSION OF (charity  
31 name/charitable cause).".

32 5. The term "bold letters" as used in subsections 1, 2, and 3 of this section shall mean  
33 a primary color on a white background so as to be clearly visible to the public.

34 6. Nothing in this section shall apply to paper, glass, or aluminum products that are  
35 donated for the purpose of being recycled in the manufacture of other products.

36 7. [Any entity which, on or before June 1, 2009, has distributed one hundred or more  
37 separate public receptacles within the state of Missouri to which the provisions of subsection 2  
38 or 3 of this section would apply shall be deemed in compliance with the signage requirements  
39 imposed by this section for the first six months after August 28, 2009, provided such entity has  
40 made or is making good faith efforts to bring all signage in compliance with the provisions of  
41 this section and all such signage is in complete compliance no later than six months after August  
42 28, 2009.

43 8.] All receptacles described in this section shall conspicuously display the name,  
44 address, and telephone number of the owner and operator of the receptacle. The owner or  
45 operator of the receptacle shall maintain permission to place the receptacle on the property from  
46 the property owner or his or her agent where the receptacle is located. Such permission shall be  
47 in writing and clearly identify the owner of the receptacle and property owner or his or her agent  
48 in addition to the nature of the collections and where proceeds will be accrued. Failure to secure  
49 such permission shall constitute an unfair business practice in addition to any other statutory  
50 conditions. Unless otherwise agreed upon in writing, the property owner or his or her agent may  
51 remove the receptacle. Any charges incurred in such removal shall be the responsibility of the  
52 owner of the receptacle. Unless the receptacle owner pays such charges within thirty calendar  
53 days of the sending of a written certified letter from the property owner stating his or her intent  
54 to remove the receptacle, the receptacle owner shall relinquish any right to the receptacle. If the

55 receptacle does not conspicuously display the name, address, and telephone number of the owner  
56 and operator of the receptacle, the receptacle shall be considered abandoned property and may  
57 be destroyed or permanently possessed by the property owner or their agent.

58 [9.] 8. Any owner and operator of a receptacle that does not display the address of the  
59 owner and operator, but does display the website of the owner and operator, shall make the  
60 address easily accessible on such website for the property owner to send the letter specified in  
61 subsection [8] 7 of this section. The provisions of this subsection shall expire on September 1,  
62 2014.

414.412. 1. The director may reduce any percentage specified or waive the requirement  
2 of subsection 3 of section 414.410 for any state agency upon receipt of certification supported  
3 by evidence acceptable to the director that:

4 (1) The agency's vehicles will be operating primarily in an area in which neither the  
5 agency nor a supplier has or can reasonably be expected to have a central refueling station for  
6 alternative fuels; or

7 (2) The agency is unable to acquire or operate vehicles within the cost limitations of  
8 section 414.400 or section 414.415; or

9 (3) The use of alternative fuels would not meet the energy conservation and exhaust  
10 emissions reduction criteria of subsection 2 of section 414.410.

11 2. State agencies shall submit information describing the acquisition and use of vehicles  
12 capable of using alternative fuels to the department in a format prescribed by the department.  
13 The report shall include for each vehicle model capable of using alternative fuel:

14 (1) The types of alternative fuels used;

15 (2) The number of miles traveled using alternative fuels and the ratios to the total  
16 numbers of miles traveled;

17 (3) The number of vehicles owned which are capable of using alternative fuels;

18 (4) Maintenance costs.

19 3. Each state-owned vehicle equipped to operate on gasoline, other than vehicles using  
20 alternative fuel, shall use a fuel ethanol blend as defined in section [142.027] **142.028**, when  
21 available at a competitive price, as its motor fuel, unless the United States Environmental  
22 Protection Agency, or the governor by executive order, promulgates rules which prohibit, limit  
23 or otherwise regulate the use of ethanol-blended fuels in ozone nonattainment areas, as defined  
24 by Section 107 of the federal Clean Air Act, as amended, or in an area designated as a  
25 maintenance area for ozone under Section 175A of the federal Clean Air Act, as amended,  
26 state-owned vehicles shall not be required to use a fuel ethanol blend.

443.805. 1. No person shall engage in the business of brokering, funding, servicing or  
2 purchasing of residential mortgage loans without first obtaining a license as a residential

3 mortgage loan broker from the director, pursuant to sections 443.701 to 443.893 and the  
4 regulations promulgated thereunder. The licensing provisions of sections 443.805 to 443.812  
5 shall not apply to any person engaged solely in commercial mortgage lending or to any person  
6 exempt as provided in section 443.703 or pursuant to regulations promulgated as provided in  
7 sections 443.701 to 443.893.

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

12         [3. Any exempt entity as defined by section 443.803 on July 7, 2009, shall be exempt  
13 from the licensing requirements of this section until June 1, 2010. Any such exempt entities  
14 already licensed between July 8, 2009, and June 1, 2010, shall not be eligible for any refund of  
15 licensure fees.]

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

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

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

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

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

22         (d) A law enforcement officer having custody of seized property may, at any time that  
23 seized property has ceased to be useful as evidence, request that the prosecuting attorney of the

24 county in which property was seized file a motion with the court of such county for the  
25 disposition of the seized property. If the prosecuting attorney does not file such motion within  
26 sixty days of the request by the law enforcement officer having custody of the seized property,  
27 then such officer may request that the attorney general file a written motion with the circuit court  
28 of the county or judicial district in which the seizure occurred. Upon filing of the motion, the  
29 court shall issue an order directing the disposition of the property. Such disposition may, if the  
30 property is not claimed within one year from the date of the seizure or if no one establishes a  
31 right to it, and the seized property has ceased to be useful as evidence, include a public sale of  
32 the property. Pursuant to a motion properly filed and granted under this section, the proceeds  
33 of any sale, less necessary expenses of preservation and sale, shall be paid into the county  
34 treasury for the use of the county. If the property is not salable, the judge may order its  
35 destruction. Notwithstanding any other provision of law, if no claim is filed within one year of  
36 the seizure and no motion pursuant to this section is filed within six months thereafter, and the  
37 seized property has ceased to be useful as evidence, the property shall be deemed abandoned,  
38 converted to cash and shall be turned over immediately to the treasurer pursuant to section  
39 447.543;

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

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

56 2. The officer who has custody of the property shall inform the prosecuting attorney of  
57 the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon  
58 file a written motion with the court with which the motion to suppress has been, or may be, filed  
59 praying for an order directing the forfeiture of the property. If the prosecuting attorney of a

60 county in which property is seized fails to file a motion with the court for the disposition of the  
61 seized property within sixty days of the request by a law enforcement officer, the officer having  
62 custody of the seized property may request the attorney general to file a written motion with the  
63 circuit court of the county or judicial district in which the seizure occurred. Upon filing of the  
64 motion, the court shall issue an order directing the disposition of the property. The signed  
65 motion shall be returned to the requesting agency. A motion may also be filed by any person  
66 claiming the right to possession of the property praying that the court declare the property not  
67 subject to forfeiture and order it delivered to the moving party.

68 3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the  
69 judge shall order notice to be given to all persons interested in the property, including the person  
70 out of whose possession the property was seized and any lienors, of the time, place and nature  
71 of the hearing to be held on the motion. The notice shall be given in a manner reasonably  
72 calculated to reach the attention of all interested persons. Notice may be given to unknown  
73 persons and to persons of unknown address by publication in a newspaper of general circulation  
74 in the county. Every interested person shall be given a reasonable opportunity to appear and to  
75 be heard as to the nature of the person's claim to the property and upon the issue of whether or  
76 not it is subject to forfeiture.

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

81 5. If the forfeited property can be put to a lawful use, it may be ordered sold after any  
82 alterations which are necessary to adapt it to a lawful use have been made. In the case of  
83 computers, computer equipment, computer software, computer hardware, cellular telephones,  
84 or other devices capable of accessing the internet, or other devices used in the acquisition,  
85 possession, or distribution of child pornography or obscene material, the law enforcement agency  
86 in possession of such items may, upon court order, retain possession of such property and  
87 convert such property to the use of the law enforcement agency for use in criminal investigations.  
88 If there is a holder of a bona fide lien against property which has been used as a means for  
89 committing an offense or which has been used as a raw material or as an instrument to  
90 manufacture or produce anything which is an offense to possess, who establishes that the use was  
91 without the lienholder's acquiescence or consent, the proceeds, less necessary expenses of  
92 preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The  
93 remaining amount shall be paid into the county treasury.

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

97           7. When a warrant has been issued to search for and seize allegedly obscene matter for  
98 forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the  
99 matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the  
100 matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary  
101 proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and  
102 convincing that the matter is obscene as defined by law and it was being held or displayed for  
103 sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene  
104 and forfeited to the state and order its destruction or other disposition; except that, no forfeiture  
105 shall be declared without the dealer, distributor or displayer being given a reasonable opportunity  
106 to appear in opposition and without the judge having thoroughly examined each item. If the  
107 material to be seized is the same as or another copy of matter that has already been determined  
108 to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's  
109 agent, the determination of obscenity in the criminal proceeding shall constitute clear and  
110 convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except  
111 when the dealer, exhibitor or displayer consents to a longer period, or by such person's actions  
112 or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered  
113 within ten days of the return of the warrant. If the matter is not found to be obscene or is not  
114 found to have been held or displayed for sale, exhibition or distribution to the public, or a  
115 judgment is not entered within the time provided for, the matter shall be restored forthwith to the  
116 dealer, exhibitor or displayer.

117           8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment,  
118 the case should be assigned for hearing at the earliest practicable date and expedited in every  
119 way. Destruction or disposition of a matter declared forfeited shall be postponed until the  
120 judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and  
121 until the matter is no longer needed as evidence in a criminal proceeding.

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

126           10. When allegedly obscene matter or pornographic material for minors has been seized  
127 under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no  
128 longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in  
129 which the matter was seized may file a written motion with the circuit court of the county or

130 judicial district in which the seizure occurred praying for an order directing the forfeiture of the  
131 matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date,  
132 time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor,  
133 displayer or such person's agent. Such notice shall be served no less than five days before the  
134 hearing.

135         11. If the evidence is clear and convincing that the matter is obscene as defined by law,  
136 and that the obscene material was being held or displayed for sale, exhibition, distribution or  
137 circulation to the public or that the matter is pornographic for minors and that the pornographic  
138 material was being held or displayed for sale, exhibition, distribution or circulation to minors,  
139 the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and  
140 order its destruction or other disposition. A determination that the matter is obscene in a  
141 criminal proceeding as well as a determination that such obscene material was held or displayed  
142 for sale, exhibition, distribution or circulation to the public or a determination that the matter is  
143 pornographic for minors in a criminal proceeding as well as a determination that such  
144 pornographic material was held or displayed for sale, exhibition, distribution or circulation to  
145 minors shall be clear and convincing evidence that such material should be forfeited to the state;  
146 except that, no forfeiture shall be declared without the dealer, distributor or displayer being given  
147 a reasonable opportunity to appear in opposition and without a judge having thoroughly  
148 examined each item. A dealer, distributor or displayer shall have had reasonable opportunity to  
149 appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed  
150 the basis of a criminal proceeding against the dealer, distributor or displayer where the dealer,  
151 distributor or displayer has been charged and found guilty of holding or displaying for sale,  
152 exhibiting, distributing or circulating obscene material to the public or pornographic material for  
153 minors to minors. If the matter is not found to be obscene, or if obscene material is not found  
154 to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if  
155 the matter is not found to be pornographic for minors or if pornographic material is not found  
156 to have been held or displayed for sale, exhibition, distribution or circulation to minors, the  
157 matter shall be restored forthwith to the dealer, exhibitor or displayer.

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

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

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

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

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

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

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

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

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

2 [21.800. 1. There is established a joint committee of the general  
3 assembly to be known as the "Joint Committee on Terrorism, Bioterrorism, and  
4 Homeland Security" to be composed of seven members of the senate and seven  
5 members of the house of representatives. The senate members of the joint  
6 committee shall be appointed by the president pro tem and minority floor leader  
of the senate and the house members shall be appointed by the speaker and

7 minority floor leader of the house of representatives. The appointment of each  
8 member shall continue during the member's term of office as a member of the  
9 general assembly or until a successor has been appointed to fill the member's  
10 place when his or her term of office as a member of the general assembly has  
11 expired. No party shall be represented by more than four members from the  
12 house of representatives nor more than four members from the senate.

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

16 2. The joint committee shall:

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

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

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

25 (4) Make any other recommendation to the general assembly necessary  
26 to provide adequate terrorism and bioterrorism protections, and homeland  
27 security to the citizens of the state of Missouri.

28 3. The joint committee shall meet within thirty days after its creation and  
29 organize by selecting a chairperson and a vice chairperson, one of whom shall be  
30 a member of the senate and the other a member of the house of representatives.  
31 The chairperson shall alternate between members of the house and senate every  
32 two years after the committee's organization.

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

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

37 6. The members of the committee shall serve without compensation but  
38 shall be entitled to reimbursement for actual and necessary expenses incurred in  
39 the performance of their official duties.

40 7. It shall be the duty of the committee to compile a full report of its  
41 activities for submission to the general assembly. The report shall be submitted  
42 not later than the fifteenth of January of each year in which the general assembly  
43 convenes in regular session and shall include any recommendations which the  
44 committee may have for legislative action as well as any recommendations for  
45 administrative or procedural changes in the internal management or organization  
46 of state or local government agencies and departments. Copies of the report  
47 containing such recommendations shall be sent to the appropriate directors of  
48 state or local government agencies or departments included in the report.

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

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

3 2. The joint committee shall be composed of ten members. Five  
4 members shall be from the senate, with three members appointed by the president  
5 pro tem of the senate and two members appointed by the minority leader of the  
6 senate. Five members shall be from the house of representatives, with three  
7 members appointed by the speaker of the house of representatives and two  
8 members appointed by the minority leader of the house of representatives. All  
9 members of the Missouri general assembly not appointed in this subsection may  
10 be nonvoting, ex officio members of the joint committee. A majority of the  
11 appointed members of the joint committee shall constitute a quorum.

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

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

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

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

27 (3) The impact on communities and populations affected; and

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

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

34 6. The joint committee may solicit input and information necessary to  
35 fulfill its obligations from the general public, any state department, state agency,  
36 political subdivision of this state, or anyone else it deems advisable.

37 7. (1) The joint committee shall establish a subcommittee to be known  
38 as the "Urban Farming Advisory Subcommittee" to study, analyze, and provide  
39 background information, recommendations, and findings in preparation of each  
40 of the public hearings called by the joint committee. The subcommittee may also  
41 review draft recommendations of the joint committee, if requested. The  
42 subcommittee will meet as often as necessary to fulfill the requirements and time  
43 frames set by the joint committee.

- 44 (2) The subcommittee shall consist of twelve members, as follows:  
45 (a) Four members shall include the directors of the following  
46 departments, or their designees:  
47 a. Agriculture, who shall serve as chair of the subcommittee;  
48 b. Economic development;  
49 c. Health and senior services; and  
50 d. Natural resources; and  
51 (b) The chair shall select eight additional members, subject to approval  
52 by a majority of the joint committee, who shall have experience in or represent  
53 organizations associated with at least one of the following areas:  
54 a. Sustainable energy;  
55 b. Farm policy;  
56 c. Urban botanical gardening;  
57 d. Sustainable agriculture;  
58 e. Urban farming or community gardening;  
59 f. Vertical farming;  
60 g. Agriculture policy or advocacy; and  
61 h. Urban development.  
62 8. Members of the committee and subcommittee shall serve without  
63 compensation but may be reimbursed for necessary expenses pertaining to the  
64 duties of the committee.  
65 9. The staffs of senate research, the joint committee on legislative  
66 research, and house research may provide such legal, research, clerical, technical,  
67 and bill drafting services as the joint committee may require in the performance  
68 of its duties.  
69 10. Any actual and necessary expenses of the joint committee, its  
70 members, and any staff assigned to the joint committee incurred by the joint  
71 committee shall be paid by the joint contingent fund.  
72 11. The provisions of this section shall expire on January 1, 2013.]  
73

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

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

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

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

29                   5. Members of the committee shall receive no compensation but may be  
 30 reimbursed for reasonable and necessary expenses associated with the  
 31 performance of their official duties.]  
 32

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

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

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

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

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

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

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

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

22                   4. The members of the committee shall elect a chairperson and vice  
 chairperson.

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

27           6. The provisions of this section shall expire on January 1, 2011.]  
28

2           [33.850. 1. The committee on legislative research shall organize a  
3 subcommittee, which shall be known as the "Joint Subcommittee on Recovery  
4 Accountability and Transparency", to coordinate and conduct oversight of  
5 covered funds to prevent fraud, waste, and abuse.

6           2. The subcommittee shall consist of the following eight members:

7           (1) One-half of the members appointed by the chairperson from the house  
8 which he or she represents, two of whom shall be from the majority party and two  
9 of whom shall be from the minority party; and

10          (2) One-half of the members appointed by the vice chairperson from the  
11 house which he or she represents, two of whom shall be from the majority party  
12 and two of whom shall be from the minority party.

13          3. The appointment of the senate and house members shall continue  
14 during the member's term of office as a member of the general assembly or until  
15 a successor has been appointed to fill the member's place when his or her term  
16 of office as a member of the general assembly has expired.

17          4. The subcommittee shall coordinate and conduct oversight of covered  
18 funds in order to prevent fraud, waste, and abuse, including:

19          (1) Reviewing whether the reporting of contracts and grants using  
20 covered funds meets applicable standards and specifies the purpose of the  
21 contract or grant and measures of performance;

22          (2) Reviewing whether competition requirements applicable to contracts  
23 and grants using covered funds have been satisfied;

24          (3) Reviewing covered funds to determine whether wasteful spending,  
25 poor contract or grant management, or other abuses are occurring and referring  
26 matters it considers appropriate for investigation to the attorney general or the  
27 agency that disbursed the covered funds;

28          (4) Receiving regular reports from the commissioner of the office of  
29 administration, or his or her designee, concerning covered funds; and

30          (5) Reviewing the number of jobs created using these funds.

31          5. The subcommittee shall submit annual reports to the governor and  
32 general assembly, including the senate appropriations committee and house  
33 budget committee, that summarize the findings of the subcommittee with regard  
34 to its duties in subsection 4 of this section. All reports submitted under this  
35 subsection shall be made publicly available and posted on the governor's website,  
36 the general assembly website, and each state agency website. Any portion of a  
report submitted under this subsection may be redacted when made publicly

37 available, if that portion would disclose information that is not subject to  
38 disclosure under chapter 610, or any other provision of state law.

39 6. (1) The subcommittee shall make recommendations to agencies on  
40 measures to prevent fraud, waste, and abuse relating to covered funds.

41 (2) Not later than thirty days after receipt of a recommendation under  
42 subdivision (1) of this subsection, an agency shall submit a report to the governor  
43 and general assembly, including the senate appropriations committee and house  
44 budget committee, and the subcommittee that states:

45 (a) Whether the agency agrees or disagrees with the recommendations;  
46 and

47 (b) Any actions the agency will take to implement the recommendations.

48 7. The subcommittee may:

49 (1) Review audits from the state auditor and conduct reviews relating to  
50 covered funds; and

51 (2) Receive regular testimony from the state auditor relating to audits of  
52 covered funds.

53 8. (1) Not later than thirty days after the date on which all initial  
54 members of the subcommittee have been appointed, the subcommittee shall hold  
55 its first meeting. Thereafter, the subcommittee shall meet at the call of the  
56 chairperson of the subcommittee.

57 (2) A majority of the members of the subcommittee shall constitute a  
58 quorum, but a lesser number of members may hold hearings.

59 9. The subcommittee may hold such hearings, sit and act at such times  
60 and places, take such testimony, and receive such evidence as the subcommittee  
61 considers advisable to carry out the provisions of this section. Each agency of  
62 this state shall cooperate with any request of the subcommittee to provide such  
63 information as the subcommittee deems necessary to carry out the provisions of  
64 this section. Upon request of the subcommittee, the head of each agency shall  
65 furnish such information to the subcommittee. The head of each agency shall  
66 make all officers and employees of that agency available to provide testimony to  
67 the subcommittee and committee personnel.

68 10. Subject to appropriations, the subcommittee may enter into contracts  
69 with public agencies and with private persons to enable the subcommittee to  
70 discharge its duties under the provisions of this section, including contracts and  
71 other arrangements for studies, analyses, and other services.

72 11. The members of the subcommittee shall serve without compensation,  
73 but may be reimbursed for reasonable and necessary expenses incurred in the  
74 performance of their official duties.

75 12. As used in this section, the term "covered fund" shall mean any  
76 moneys received by the state or any political subdivision under the American  
77 Recovery and Reinvestment Act of 2009, as enacted by the 111th United States  
78 Congress.

79 13. This section shall expire March 1, 2013.]

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

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

16 3. To declare derelict vehicles or parts of derelict vehicles to be a public  
 17 nuisance, the governing body of the city shall give a hearing upon ten days'  
 18 notice, either personally or by United States mail to the owner or agent, or by  
 19 posting a notice of the hearing on the property. At the hearing, the governing  
 20 body may declare the vehicles or the parts to be public nuisances, and may order  
 21 the nuisance to be removed within five business days. If the nuisance is not  
 22 removed within the five days, the governing body or the designated city official  
 23 shall have the nuisance removed and shall certify the costs of the removal to the  
 24 city clerk or the equivalent official, who shall cause a special tax bill for the  
 25 removal to be prepared against the property and collected by the collector with  
 26 other taxes assessed on the property, and to be assessed any interest and penalties  
 27 for delinquency as other delinquent tax bills are assessed as permitted by law.

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

2 [105.380. 1. Delinquent payments due under section 105.370 shall bear  
 3 interest at a rate equal to that charged by the federal agency for the period for  
 4 which said payments are delinquent. No interest shall be charged if less than one  
 5 dollar.

6 2. Delinquent wage reports or adjustment reports or contributions due but  
 7 not filed or submitted by prescribed due dates shall be subject to a penalty of five  
 8 dollars for the first day and one dollar for each day thereafter, or the penalty  
 9 prescribed by the federal agency, whichever is greater. No more than one penalty  
 10 shall apply in case of any joint failure to file a deposit return and to pay deposit  
 11 contributions on the same prescribed due date.

12 3. Extensions to file required annual wage reports and adjustment reports  
 13 may be granted by the state agency for good cause providing a written extension  
 14 request is mailed to the state agency on or before the prescribed due date with an  
 estimated deposit no less than the previous deposit, as adjusted. No penalty shall

15 be applied to any report for which an extension of time has been authorized by  
16 the state agency.

17 4. The state administrator or his designate may, upon written request by  
18 any political subdivision or instrumentality covered by an agreement entered into  
19 under section 105.350 and upon showing of "good cause", abate any portion or  
20 all of a penalty charge which has been assessed in accordance with subsection 2  
21 of this section. Good cause abatement can only be granted within the rules and  
22 regulations established by the state agency pursuant to section 105.430.]  
23

2 [105.385. 1. Delinquent payments due under section 105.370, together  
3 with accrued interest and penalties, may, at the request of the state agency, be  
4 deducted from any moneys payable to the subdivision or instrumentality by any  
5 department or agency of the state, or may be recovered in a court of competent  
6 jurisdiction against the political subdivision or instrumentality.

7 2. Whenever the state agency shall certify to any agency of the state  
8 authorized to apportion or allocate funds to political subdivisions or  
9 instrumentalities that any political subdivision or instrumentality is delinquent in  
10 its payments as provided by sections 105.300 to 105.440, the amount so certified  
11 shall be withheld from distribution. Upon notification by the state administrator  
12 of the withholding by the distributing agency, the state treasurer, or appropriate  
13 official, if other than the state treasurer, shall transfer the amount so certified or  
14 such part thereof as is available from apportionments or allocations due the  
15 political subdivision or instrumentality to the state agency. In the event the state  
16 agency recovers any delinquent amounts from the political subdivision or  
17 instrumentality, the funds so recovered shall be credited to the fund or funds from  
18 which the transfer was made, and the distributing agency shall then apportion or  
19 allocate to the political subdivision or instrumentality the amount it was  
20 originally entitled to receive by law.

21 3. Whenever any political subdivision or instrumentality which is part of  
22 or located within a county shall become delinquent of any payments due under  
23 section 105.370 and/or 105.380, the state agency may certify to the treasurer or  
24 to any appropriate officer of the county and/or political subdivision or  
25 instrumentality the amount of the delinquent payment plus accrued interest and  
26 penalties. The official receiving such certification shall without regard to formal  
27 administrative procedure and usage of a particular fund, cause payments to be  
28 made out of available funds to the state agency sufficient to cover the amount  
29 certified by the state agency. If any treasurer or appropriate official to which the  
30 delinquent payment certification is so directed shall fail or neglect to perform the  
31 duties imposed upon him by this section he shall be liable upon his bond for the  
32 failure or neglect.]

2 [105.440. The state agency shall make studies concerning the problem  
of old age and survivors protection for employees of the state and local

3 governments and their instrumentalities concerning the operation of agreements  
4 made and plans approved under sections 105.300 to 105.440, and shall submit a  
5 report to the general assembly by April fifteenth of each year covering the  
6 administration and operation of sections 105.300 to 105.440 during the preceding  
7 year, including such recommendations for amendments to sections 105.300 to  
8 105.440 as it considers proper and necessary.]  
9

2 [105.445. 1. The state agency shall have access to all payroll and  
3 disbursement records of political subdivisions and instrumentalities covered by  
4 agreement pursuant to section 105.350. The state agency after giving notice may  
5 order the political subdivision or instrumentality to make its books and records  
6 available to the state agency, at the office of the political subdivision or  
7 instrumentality and may audit those books and records.

8 2. The state agency may recover the actual costs and necessary expenses  
9 for the preparation of required Social Security wage and adjustment reports not  
10 filed with the state agency by a political subdivision or instrumentality. Such  
11 costs and expenses shall be billed and paid upon completion of wage and  
12 adjustment reports and all moneys collected shall be immediately deposited into  
13 the state's general revenue fund.

14 3. The state administrator shall have the power to issue a subpoena duces  
15 tecum to compel the production of any payroll and disbursement records of  
16 political subdivisions and instrumentalities covered by agreement pursuant to  
17 section 105.350.]

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

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

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

2 [160.933. 1. There is hereby created in the state treasury the "Part C  
3 Early Intervention Pilot Program Fund" for implementing the provisions of  
4 section 160.932. Moneys deposited in the fund shall be considered state funds  
5 under Article IV, Section 15 of the Missouri Constitution. The state treasurer  
shall be custodian of the fund and may disburse moneys from the fund in

6 accordance with sections 30.170 and 30.180. Upon appropriation, money in the  
7 fund shall be used solely for administration of section 160.932. The state  
8 treasurer shall invest moneys in the fund in the same manner as other funds are  
9 invested. Any interest and moneys earned on such investments shall be credited  
10 to the fund.

11 2. At the end of each biennium and after all statutorily or constitutionally  
12 required transfer of funds have been made, the state treasurer shall transfer the  
13 balance in the fund, except for gifts, donations, bequests, or money received from  
14 a federal source, created in subsection 1 of this section in excess of two hundred  
15 percent of the previous fiscal year's expenditures into the state general revenue  
16 fund.

17 3. The department of elementary and secondary education shall  
18 promulgate rules to implement the provisions of section 160.932. Any rule or  
19 portion of a rule, as that term is defined in section 536.010, that is created under  
20 the authority delegated in this section shall become effective only if it complies  
21 with and is subject to all of the provisions of chapter 536 and, if applicable,  
22 section 536.028. This section and chapter 536 are nonseverable and if any of the  
23 powers vested with the general assembly under chapter 536 to review, to delay  
24 the effective date, or to disapprove and annul a rule are subsequently held  
25 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
26 adopted after August 28, 2007, shall be invalid and void.]  
27

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

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

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

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

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

- 38           (1) Complete case history;  
39           (2) Visual acuity at distance (aided and unaided);  
40           (3) External examination and internal examination (ophthalmoscopic  
41 examination);  
42           (4) Subjective refraction to best visual acuity.

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

46           6. In the event that a parent or legal guardian of a child subject to this  
47 section shall submit to the appropriate school administrator a written request that  
48 the child be excused from taking a vision examination as provided in this section,  
49 that child shall be so excused.

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

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

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

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

60

2           [168.083. 1. Any qualified applicant may be granted a temporary  
3 administrator certificate upon joint application with a Missouri public school  
4 district or accredited nonpublic school which establishes a mentoring program  
pursuant to subsection 2 of this section. The temporary administrator certificate

5 is limited to the employing Missouri public school district or accredited  
6 nonpublic school. An applicant for a temporary administrator certificate may  
7 apply for only one area of certification at a time.

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

12 3. The temporary administrator certificate of license to teach is valid for  
13 up to one school year. It may be renewed annually for up to four subsequent  
14 years by joint application from the certificate holder and employing Missouri  
15 public school district or accredited nonpublic school upon demonstration that the  
16 applicant is making continuous, measurable progress toward obtaining a full  
17 administrator certificate of license to teach. The state board of education shall  
18 establish specific standards as to what constitutes making measurable progress  
19 toward obtaining a full administrator certificate; provided that a full administrator  
20 certificate at that grade level shall be required after the fifth year of a temporary  
21 administrator certificate in order to retain administrator certification.

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

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

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

- 30 (1) Holds a valid certificate of license to teach in Missouri;  
31 (2) Has a master's degree or is currently enrolled in a master's degree  
32 program; and  
33 (3) Has at least five years of teaching experience in a public school, in  
34 an accredited nonpublic school, or in a combination of such schools at the grade  
35 level for which the temporary administrator certificate is sought.

36 7. The provisions of this section shall expire August 28, 2012.]  
37

2 [170.055. No school board shall pay a higher price for books than is paid  
3 by any other school district in this state, or in any other state purchasing  
4 textbooks in the open market. No contract for books for a period of more than  
5 five years shall be made by any school district under the provisions of this law.  
6 Any owner, agent, solicitor or publisher of textbooks who shall offer for sale in  
7 this state or sell to any board of directors or board of education textbooks at a  
8 higher price than herein specified shall be guilty of a misdemeanor and shall upon  
9 conviction thereof be punished by a fine of not less than five hundred dollars and  
10 not more than ten thousand dollars for each offense.]

2 [170.061. Before the publisher of any school textbook offers the same for  
3 sale to any school board in the state of Missouri, he shall file a copy of the  
4 textbook in the office of the state board of education with a sworn statement of  
5 the list price and the lowest net price at which the book is sold anywhere in the  
6 United States under like conditions of distribution. The publisher shall file with  
7 the state board of education a written agreement to furnish the book or books to  
8 any school board in Missouri at the price so filed. The publisher must further  
9 agree to reduce the prices in Missouri if reductions are made elsewhere in the  
10 country, so that at no time may any book be sold in Missouri at a higher price  
11 than is received for the same book elsewhere in the country where like methods  
12 of distribution prevail. The publisher shall further agree that all books offered for  
13 sale in Missouri shall be equal in quality to those deposited in the office of the  
14 state board of education as to paper, binding, print, illustration and all points that  
15 may affect the value of the books.]

2 [170.071. Before the publisher of any school textbook offers it for sale  
3 to any school board in the state of Missouri, and at the time of the filing of the  
4 textbook in the office of the state board of education, the publisher shall pay into  
5 the treasury of the state of Missouri a filing fee of ten dollars for each book  
6 offered by the publisher. A series of books by the same author and upon the  
7 same subject constitute one book for this purpose. The fees received constitute  
8 a fund out of which, upon requisition made by the state board of education, shall  
9 be paid the expenses of publishing lists and other information for the use of  
10 school boards, clerk hire and the other necessary expenses in connection with the  
11 filing of all textbooks submitted for adoption in the state of Missouri.]

2 [170.081. To insure compliance with the conditions under which school  
3 textbooks may be sold in the state of Missouri, the publisher shall file with the  
4 state board of education a bond of not less than two thousand dollars nor more  
5 than ten thousand dollars, to be approved by the state board and the amount to be  
6 fixed by it; upon compliance with this and sections 170.071, 170.131 and  
7 170.141, the publisher shall thereupon be licensed to sell school books in this  
8 state.]

2 [170.091. The state board of education shall furnish annually each school  
3 district with a list of publishers who have conformed to the law relating to sample  
4 books, prices and bond.]

2 [170.101. If in any case the publisher furnishes books inferior in any  
3 particular to the sample on file with the state board of education, or requires  
4 higher prices than those listed with the board, then the school board shall inform  
5 the state board of education of the failure of the publisher to comply with the  
terms of his contract. The state board of education shall thereupon notify the

6 publisher of the complaint, and, if the publisher disregards the notification and  
7 fails to comply immediately with the terms of his contract, then the state board  
8 of education shall institute legal proceedings for the forfeiture of the bond of the  
9 publisher.]

10

2 [170.111. Before seeking to enter into contract with any school board, the  
3 publisher shall furnish the clerk of the school board with a duplicate printed list  
4 of the books and prices filed with the state board of education.]

2 [170.131. When any publisher of school textbooks files with the state  
3 board of education the samples and lists provided for in section 170.061, the  
4 publisher at the same time shall file a sworn statement that he has no  
5 understanding or agreement of any kind with any other publisher, or interest in  
6 the business of any other publisher, with the effect, design or intent to control the  
7 prices on books or to restrict competition in the adoption or sale thereof.]

2 [170.141. Before being licensed to sell school textbooks in this state, the  
3 publisher thereof shall file with the state board of education a sworn statement,  
4 showing the ownership of the publishing house, with the interest, names and  
5 addresses of the owners, and specifically stating whether or not the publisher, or  
6 the owner of any interest or shares in the publishing house, is the owner of any  
7 interest or shares in any other publishing house, and if so, giving the name and  
8 address thereof.]

2 [170.151. If at any time any publisher enters into any understanding,  
3 agreement or combination to control the prices or to restrict competition in the  
4 adoption or sale of school books, or if the statements required of the publisher by  
5 sections 170.131 and 170.141 are untrue in any respect, then the attorney general  
6 shall institute and prosecute legal proceedings for the forfeiture of the bond of the  
7 publisher and for the revocation of his authority to sell school books in this state,  
8 and all contracts made by the publisher under this law shall thereupon become  
9 null and void at the option of the other parties thereto.]

2 [170.161. Any publisher who sells, or offers for sale or adoption in this  
3 state, school textbooks of any kind without first obtaining licenses therefor under  
4 this law is guilty of a misdemeanor and upon conviction shall be fined not less  
5 than five hundred dollars and not more than five thousand dollars.]

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

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

- 6 (2) The directors of the departments of health and senior services, social  
7 services, and mental health or their designees;
- 8 (3) One member of the house of representatives appointed by the speaker  
9 of the house;
- 10 (4) One member of the senate appointed by the president pro tem of the  
11 senate;
- 12 (5) One member who has early-stage Alzheimer's or a related dementia;
- 13 (6) One member who is a family caregiver of a person with Alzheimer's  
14 or a related dementia;
- 15 (7) One member who is a licensed physician with experience in the  
16 diagnosis, treatment, and research of Alzheimer's disease;
- 17 (8) One member from the office of the state ombudsman for long-term  
18 care facility residents;
- 19 (9) One member representing the home care profession;
- 20 (10) One member representing residential long-term care;
- 21 (11) One member representing the adult day services profession;
- 22 (12) One member representing the insurance profession;
- 23 (13) One member representing the area agencies on aging;
- 24 (14) One member with expertise in minority health;
- 25 (15) One member who is a licensed elder law attorney;
- 26 (16) Two members from the leading voluntary health organization in  
27 Alzheimer's care, support, and research.
- 28 2. The members of the task force, other than the lieutenant governor,  
29 members from the general assembly, and department directors, shall be appointed  
30 by the governor with the advice and consent of the senate. Members shall serve  
31 on the task force without compensation.
- 32 3. The task force shall:
- 33 (1) Assess the current and future impact of Alzheimer's disease and  
34 related dementia on residents of the state of Missouri;
- 35 (2) Examine the existing services and resources addressing the needs of  
36 persons with dementia, their families, and caregivers; and
- 37 (3) Develop recommendations to respond to the escalating public health  
38 situation regarding Alzheimer's.
- 39 4. The task force shall include an examination of the following in its  
40 assessment and recommendations required to be completed under subsection 3  
41 of this section:
- 42 (1) Trends in state Alzheimer's and related dementia populations and  
43 their needs, including but not limited to the state's role in long-term care, family  
44 caregiver support, and assistance to persons with early-stage Alzheimer's, early  
45 onset of Alzheimer's, and individuals with Alzheimer's disease as a result of  
46 Down's Syndrome;
- 47 (2) Existing services, resources, and capacity, including but not limited  
48 to:

49 (a) Type, cost, and availability of services for persons with dementia,  
 50 including home- and community-based resources, respite care to assist families,  
 51 residential long-term care options, and adequacy and appropriateness of  
 52 geriatric-psychiatric units for persons with behavior disorders associated with  
 53 Alzheimer's and related dementia;

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

56 (c) Quality care measure for services delivered across the continuum of  
 57 care;

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

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

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

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

69 6. The task force shall submit a report of its findings and date-specific  
 70 recommendations to the general assembly and the governor in the form of a state  
 71 Alzheimer's plan no later than November 15, 2010, as part of Alzheimer's disease  
 72 awareness month.

73 7. The task force shall continue to meet at the request of the chair and at  
 74 a minimum of one time annually for the purpose of evaluating the  
 75 implementation and impact of the task force recommendations and provide  
 76 annual supplemental reports on the findings to the governor and the general  
 77 assembly.

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

79

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

5

2 [197.291. 1. There is hereby established a "Technical Advisory  
 3 Committee on the Quality of Patient Care and Nursing Practices" within the  
 4 department of health and senior services. The committee shall be comprised of  
 5 nine members appointed by the director of the department of health and senior  
 6 services, one of whom shall be a representative of the department of health and  
 7 senior services and one of whom shall be a representative of the general public.  
 In addition, the director shall appoint three members representing licensed

8 registered nurses from a list of recommended appointees provided by the  
9 Missouri Nurses Association, one member representing licensed practical nurses  
10 from a list of recommended appointees provided by the Missouri Licensed  
11 Practical Nurses Association, two members from a list of recommended  
12 appointees provided by the Missouri Hospital Association, and one member  
13 representing licensed physicians from a list of recommended appointees provided  
14 by the Missouri State Medical Association.

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

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

27 4. Committee members shall not be compensated for their services but  
28 shall be reimbursed for their actual and necessary expenses incurred in the  
29 performance of their duties.

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

2 [205.580. Poor persons shall be relieved, maintained and supported by  
3 the county of which they are inhabitants.]

2 [205.590. Aged, infirm, lame, blind or sick persons, who are unable to  
3 support themselves, and when there are no other persons required by law and able  
4 to maintain them, shall be deemed poor persons.]

2 [205.600. No person shall be deemed an inhabitant within the meaning  
3 of sections 205.580 to 205.760, who has not resided in the county for the space  
4 of twelve months next preceding the time of any order being made respecting  
5 such poor person, or who shall have removed from another county for the  
6 purpose of imposing the burden of keeping such poor person on the county where  
7 he or she last resided for the time aforesaid.]

2 [205.610. The county commission of each county, on the knowledge of  
3 the judges of such tribunal, or any of them, or on the information of any associate  
4 circuit judge of the county in which any person entitled to the benefit of the  
provisions of sections 205.580 to 205.760 resides, shall from time to time, and

5 as often and for as long a time as may be necessary, provide, at the expense of the  
6 county, for the relief, maintenance and support of such persons.]  
7

2 [205.620. The county commission shall at all times use its discretion and  
3 grant relief to all persons, without regard to residence, who may require its  
4 assistance.]

2 [205.630. The county commission of the proper county shall allow such  
3 sum as it shall think reasonable, for the funeral expenses of any person who shall  
4 die within the county without means to pay such funeral expenses.]

2 [205.640. The several county commissions shall have power, whenever  
3 they may think it expedient, to purchase or lease, or may purchase and lease, any  
4 quantity of land in their respective counties, not exceeding three hundred and  
5 twenty acres, and receive a conveyance to their county for the same.]

2 [205.650. Such county commission may cause to be erected on the land  
3 so purchased or leased a convenient poorhouse or houses, and cause other  
4 necessary labor to be done, and repairs and improvements made, and may  
5 appropriate from the revenues of their respective counties such sums as will be  
6 sufficient to pay the purchase money in one or more payments to improve the  
7 same, and to defray the necessary expenses.]

2 [205.660. The county commission shall have power to make all necessary  
3 and proper orders and rules for the support and government of the poor kept at  
4 such poorhouse, and for supplying them with the necessary raw materials to be  
5 converted by their labor into articles of use, and for the disposing of the products  
6 of such labor and applying the proceeds thereof to the support of the institution.]  
7

2 [205.670. The several county commissions shall set apart from the  
3 revenues of the counties such sums for the annual support of the poor as shall  
4 seem reasonable, which sums the county treasurers shall keep separate from other  
5 funds, and pay the same out on the warrants of their county commissions.]

2 [205.680. Any county which now has or may hereafter have within such  
3 county a city having a special charter and which city now has or may hereafter  
4 have a population of not less than ten thousand inhabitants and not more than  
5 thirty thousand inhabitants shall, out of the funds of such county, provide for the  
6 care of the poor in said county, including poor of such city or cities, and no such  
7 city shall hereafter be exempt from any tax for the support of the poor of such  
county. No money shall hereafter be refunded to any such city by any such

8 county on account of any money expended by said county for the support of the  
9 poor of said county.]

10

2 [205.690. Whenever such poorhouse or houses are erected, the county  
3 commission shall have power to appoint a fit and discreet person to superintend  
4 the same and the poor who may be kept thereat, and to allow such superintendent  
5 a reasonable compensation for his services.]

2 [205.700. Such superintendent shall have power to cause persons kept at  
3 such poorhouse, who are able to do useful labor, to perform the same by  
4 reasonable and humane coercion.]

2 [205.710. The county commission may at any time, for good cause,  
3 remove the superintendent and appoint another to fill the vacancy.]

3

2 [205.720. It shall be the duty of the superintendent of the poor, or poor  
3 farm, as provided for in sections 205.580 to 205.760, to keep a book furnished  
4 by the county commission, and enter therein a book account of all business  
5 transactions had or done or caused to be done by him as superintendent. Said  
6 book shall show an itemized account of all farm products, stock and other articles  
7 sold by the superintendent or by his authority, and of all articles purchased for the  
8 use of the poor, or for the use or improvement of the poor farm or the buildings  
9 thereon, and of all expenses for farm labor and other work or services done by  
10 order or contract of the superintendent, and of such other items as may be ordered  
11 kept therein by the county commission.]

11

2 [205.730. It shall be the duty of the superintendent to appear before the  
3 county commission on the first day of every regular session thereof, and at such  
4 other times as the commission may require, and present said book to said  
5 commission for their inspection. Should the superintendent fail or refuse to keep  
6 such book and present the same to the county commission, as provided in  
7 sections 205.580 to 205.760, it shall be considered sufficient cause for his  
8 removal, and it shall be the duty of the county commission to remove the same,  
9 and appoint another to fill the vacancy.]

9

2 [205.740. All money that shall come into the hands of the superintendent  
3 from the sale of farm products, stock or other articles belonging to the county,  
4 and all other money belonging to the county that shall come into his hands from  
5 other sources, except by warrants drawn in his favor by the county commission,  
6 shall be paid into the county treasury and placed with the fund for the support of  
7 the poor, and a receipt taken for the same.]

7

2 [205.750. Every superintendent, before entering upon his duties, shall  
3 enter into a bond to the state of Missouri in a sum not less than five hundred nor  
4 more than three thousand dollars, to be determined by the county commission,  
5 conditioned that he will faithfully account for all money belonging to the county  
6 that shall come into his hands, and that he will exercise due diligence and care  
7 over property belonging to the county, under his control. Said bond shall be  
8 approved by the county commission and filed with the clerk thereof.]

2 [205.760. Sections 205.720 to 205.750 shall not apply to any county  
3 where the support and keeping of the poor is let out by contract, nor to any county  
4 where the superintendent rents or leases the poor farm and stocks the same and  
5 furnishes the necessary farm implements used thereon at his own expense, and  
6 carries on said farm at his own expense.]

2 [208.975. 1. There is hereby created in the state treasury the "Health  
3 Care Technology Fund" which shall consist of all gifts, donations, transfers, and  
4 moneys appropriated by the general assembly, and bequests to the fund. The  
5 state treasurer shall be custodian of the fund and may approve disbursements  
6 from the fund in accordance with sections 30.170 and 30.180. The fund shall be  
7 administered by the department of social services in accordance with the  
8 recommendations of the MO HealthNet oversight committee unless otherwise  
9 specified by the general assembly. Moneys in the fund shall be distributed in  
10 accordance with specific appropriation by the general assembly. The director of  
11 the department of social services shall submit his or her recommendations for the  
12 disbursement of the funds to the governor and the general assembly.

13 2. Subject to the recommendations of the MO HealthNet oversight  
14 committee under section 208.978 and subsection 1 of this section, moneys in the  
15 fund shall be used to promote technological advances to improve patient care,  
16 decrease administrative burdens, increase access to timely services, and increase  
17 patient and health care provider satisfaction. Such programs or improvements on  
18 technology shall include encouragement and implementation of technologies  
19 intended to improve the safety, quality, and costs of health care services in the  
20 state, including but not limited to the following:

- 21 (1) Electronic medical records;
- 22 (2) Community health records;
- 23 (3) Personal health records;
- 24 (4) E-prescribing;
- 25 (5) Telemedicine;
- 26 (6) Telemonitoring; and
- 27 (7) Electronic access for participants and providers to obtain MO  
28 HealthNet service authorizations.

29 3. Prior to any moneys being appropriated or expended from the health  
care technology fund for the programs or improvements listed in subsection 2 of

30 this section, there shall be competitive requests for proposals consistent with state  
31 procurement policies of chapter 34. After such process is completed, the  
32 provisions of subsection 1 of this section relating to the administration of fund  
33 moneys shall be effective.

34 4. For purposes of this section, "elected public official or any state  
35 employee" means a person who holds an elected public office in a municipality,  
36 a county government, a state government, or the federal government, or any state  
37 employee, and the spouse of either such person, and any relative within one  
38 degree of consanguinity or affinity of either such person.

39 5. Any amounts appropriated or expended from the health care  
40 technology fund in violation of this section shall be remitted by the payee to the  
41 fund with interest paid at the rate of one percent per month. The attorney general  
42 is authorized to take all necessary action to enforce the provisions of this section,  
43 including but not limited to obtaining an order for injunction from a court of  
44 competent jurisdiction to stop payments from being made from the fund in  
45 violation of this section.

46 6. Any business or corporation which receives moneys expended from  
47 the health care technology fund in excess of five hundred thousand dollars in  
48 exchange for products or services and, during a period of two years following  
49 receipt of such funds, employs or contracts with any current or former elected  
50 public official or any state employee who had any direct decision-making or  
51 administrative authority over the awarding of health care technology fund  
52 contracts or the disbursement of moneys from the fund shall be subject to the  
53 provisions contained within subsection 5 of this section. Employment of or  
54 contracts with any current or former elected public official or any state employee  
55 which commenced prior to May 1, 2007, shall be exempt from these provisions.

56 7. Any moneys remaining in the fund at the end of the biennium shall  
57 revert to the credit of the general revenue fund, except for moneys that were gifts,  
58 donations, or bequests.

59 8. The state treasurer shall invest moneys in the fund in the same manner  
60 as other funds are invested. Any interest and moneys earned on such investments  
61 shall be credited to the fund.

62 9. The MO HealthNet division shall promulgate rules setting forth the  
63 procedures and methods implementing the provisions of this section and establish  
64 criteria for the disbursement of funds under this section to include but not be  
65 limited to grants to community health networks that provide the majority of care  
66 provided to MO HealthNet and low-income uninsured individuals in the  
67 community, and preference for health care entities where the majority of the  
68 patients and clients served are either participants of MO HealthNet or are from  
69 the medically underserved population. Any rule or portion of a rule, as that term  
70 is defined in section 536.010, that is created under the authority delegated in this  
71 section shall become effective only if it complies with and is subject to all of the  
72 provisions of chapter 536 and, if applicable, section 536.028. This section and

73 chapter 536 are nonseverable and if any of the powers vested with the general  
74 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
75 disapprove and annul a rule are subsequently held unconstitutional, then the grant  
76 of rulemaking authority and any rule proposed or adopted after August 28, 2007,  
77 shall be invalid and void.]  
78

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

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

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

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

8 2. There is hereby created an advisory board, which shall be known as the  
9 "Farm-to-Table Advisory Board". The board shall be made up of at least one  
10 representative from the following agencies: the University of Missouri extension  
11 service, the department of agriculture, the department of elementary and  
12 secondary education, the department of economic development, the department  
13 of corrections, and the office of administration. In addition, the director of the  
14 department of agriculture shall appoint one person actively engaged in the  
15 practice of small agribusiness. The representative for the department of  
16 agriculture shall serve as the chairperson for the board and shall coordinate the  
17 board meetings. The board shall hold at least two meetings, but may hold more  
18 as it deems necessary to fulfill its requirements under this section. Staff of the  
19 department of agriculture may provide administrative assistance to the board if  
20 such assistance is required.

21 3. The mission of the board is to provide recommendations for strategies  
22 that:

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

26 (2) Increase public awareness of local agricultural practices and the role  
27 that local agriculture plays in sustaining healthy communities and supporting  
28 healthy lifestyles.

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

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

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

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

35 (c) Assist schools and other entities with education campaigns that teach  
36 children and the general public about the concepts of food production and

37 consumption; the interrelationships between nutrition, food choices, obesity, and  
 38 health; and the value of having an accessible supply of locally grown food;

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

41 (a) Schools and state institutions from purchasing more locally grown  
 42 agricultural products;

43 (b) The expansion of market opportunities for locally grown agricultural  
 44 products;

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

49 (3) Develop recommendations for:

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

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

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

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

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

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

2 [301.129. There is established in this section an advisory committee for  
 3 the department of revenue, which shall exist solely to develop uniform designs  
 4 and common colors for motor vehicle license plates issued under this chapter and  
 5 to determine appropriate license plate parameters for all license plates issued  
 6 under this chapter. The advisory committee may adopt more than one type of  
 7 design and color scheme for license plates issued under this chapter; however,  
 8 each license plate of a distinct type shall be uniform in design and color scheme  
 9 with all other license plates of that distinct type. The specifications for the fully  
 10 reflective material used for the plates, as required by section 301.130, shall be  
 11 determined by the committee. Such plates shall meet any specific requirements  
 12 prescribed in this chapter. The advisory committee shall consist of the director  
 of revenue, the superintendent of the highway patrol, the correctional enterprises

13 administrator, and the respective chairpersons of both the senate and house of  
14 representatives transportation committees. Notwithstanding section 226.200 to  
15 the contrary, the general assembly may appropriate state highways and  
16 transportation department funds for the requirements of section 301.130 and this  
17 section. Prior to January 1, 2007, the committee shall meet, select a chairman  
18 from among their members, and develop uniform design and license plate  
19 parameters for the motor vehicle license plates issued under this chapter. Prior  
20 to determining the final design of the plates, the committee shall hold at least  
21 three public meetings in different areas of the state to invite public input on the  
22 final design. Members of the committee shall be reimbursed for their actual and  
23 necessary expenses incurred in the performance of their duties under this section  
24 out of funds appropriated for that purpose. The committee shall direct the  
25 director of revenue to implement its final design of the uniform motor vehicle  
26 license plates and any specific parameters for all license plates developed by the  
27 committee not later than January 1, 2007. The committee shall be dissolved upon  
28 completion of its duties under this section.]  
29

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

15 2. The promotional association shall obtain a permit from the division if  
16 the promotional association submits a plan to the governing body of the city and  
17 such a plan receives approval from the city governing body. The plan submitted  
18 shall include the legal description of the district and the common area within  
19 which such festivals shall be held, the name and address and responsible person  
20 for each business participating in the promotional association, the specific  
21 calendar of events for the district which shall not exceed twenty-four such events  
22 annually and shall include the dates and times of any such events, a description  
23 of the proposed festival activities, including any proposed public street closures  
24 if applicable, proof of adequate insurance, and a detailed description of security  
25 for any proposed festivals which shall be provided at the sole expense of the  
26 promotional association. Such detailed description of security shall be approved  
by the city police department and the city department of liquor control prior to the

27 plan being approved by the city. Each event on the calendar shall not exceed  
28 forty-eight hours in length. No more than two events shall be held in any  
29 calendar month. Such permit shall cost three hundred dollars per year.

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

48 4. If participating in a promotional association event, every bar,  
49 nightclub, restaurant, promotional association, or other entertainment venue that  
50 serves alcoholic beverages within the festival district shall use disposable paper,  
51 plastic, or foam cups or other light-weight containers for all alcoholic beverages  
52 that the bar, nightclub, restaurant, promotional association, or other entertainment  
53 venue sells within the festival district boundaries for consumption in the district  
54 common area.

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

57 6. The holder of the permit is solely responsible for any alcohol  
58 violations occurring within the common areas. For any violation of this chapter  
59 or of any rule or regulation of the supervisor of alcohol and tobacco control, the  
60 promotional association may be assessed a civil fine of not more than five  
61 thousand dollars. If a promotional association is found to be responsible for such  
62 violations at three separate events, then such promotional association shall not  
63 seek approval for subsequent plans without the prior written consent of the  
64 supervisor of alcohol and tobacco control. The promotional association's  
65 then-current plan shall be deemed terminated, and the businesses participating in  
66 the promotional association's events shall not participate in activities permitted  
67 by subsection 3 of this section without prior written consent from the supervisor  
68 of alcohol and tobacco control.

69                   7. The provisions of this section shall expire two years after August 28,  
70                   2009.]

71

2                   [374.776. During the legislative interim between the first regular session  
3                   and the second regular session of the ninety-fifth general assembly, the Missouri  
4                   department of insurance, financial institutions and professional registration shall  
5                   conduct a study regarding its licensing rules and other policies and procedures  
6                   governing the bail bond industry within the state of Missouri. The department,  
7                   in its discretion, may hold public hearings within the state and permit testimony  
8                   and input from surety insurance companies, general bail bond agents, bail bond  
9                   agents, legislators, law enforcement agencies, officials from the department, and  
10                  other interested parties. If public hearings are held, the director shall provide  
11                  notice to all licensees licensed under sections 374.695 to 374.789 of the date,  
12                  time, and location of such public hearings. The department shall submit a report  
13                  of its findings and recommendations to the house of representatives and senate  
14                  insurance committees no later than January 6, 2010.]

14

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

3

2                   [376.826. For the purposes of sections 376.825 to 376.836 the following  
3                   terms shall mean: (1) "Director", the director of the department of insurance,  
4                   financial institutions and professional registration; (2) "Health insurance policy"  
5                   or "policy", all health insurance policies or contracts that are individually  
6                   underwritten or provide such coverage for specific individuals and members of  
7                   their families, which provide for hospital treatments. The term shall also include  
8                   any individually underwritten coverage issued by a health maintenance  
9                   organization. The provisions of sections 376.825 to 376.836 shall not apply to  
10                  policies which provide coverage for a specified disease only, other than for  
11                  mental illness or chemical dependency; (3) "Insurer", an entity licensed by the  
12                  department of insurance, financial institutions and professional registration to  
13                  offer a health insurance policy; (4) "Mental illness", the following disorders  
14                  contained in the International Classification of Diseases (ICD-9-CM):

15                  (a) Schizophrenic disorders and paranoid states (295 and 297, except  
16                  297.3);

17                  (b) Major depression, bipolar disorder, and other affective psychoses  
18                  (296);

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

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

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

24 (f) Anorexia nervosa, bulimia and other severe eating disorders (307.1,  
25 307.51, 307.52 and 307.53);

26 (g) Senile organic psychotic conditions (290); (5) "Rate", "term", or  
27 "condition", any lifetime limits, annual payment limits, episodic limits, inpatient  
28 or outpatient service limits, and out-of-pocket limits. This definition does not  
29 include deductibles, co-payments, or coinsurance prior to reaching any maximum  
30 out-of-pocket limit. Any out-of-pocket limit under a policy shall be  
31 comprehensive for coverage of mental illness and physical conditions.]  
32

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

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

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

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

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

32 6. The director may disapprove any policy that the director determines  
33 to be inconsistent with the purposes of this section.]  
34

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

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

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

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

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

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

8 (3) Care that is custodial in nature;

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

11 (5) Treatments that are considered experimental.

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

2 [376.836. 1. The provisions of sections 376.825 to 376.836 apply to  
3 applications for coverage made on or after January 1, 2005, and to health  
insurance policies issued or renewed on or after such date to residents of this

4 state. Multiyear group policies need not comply until the expiration of their  
5 current multiyear term unless the policyholder elects to comply before that time.

6 2. This section shall not apply to a supplemental insurance policy,  
7 including a life care contract, accident-only policy, specified disease policy,  
8 hospital policy providing a fixed daily benefit only, Medicare supplement policy,  
9 long-term care policy, hospitalization-surgical care policy, short-term major  
10 medical policy of six months or less duration, or any other supplemental policy  
11 as determined by the director of the department of insurance, financial  
12 institutions and professional registration.

13 3. The provisions of sections 376.825 to 376.836 shall expire on January  
14 1, 2011.]  
15

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

22 2. The board shall consist of ten members. Other than the director, the  
23 house members and the senate members, the remainder of the board's members  
24 shall be appointed by the director of the department of insurance, financial  
25 institutions and professional registration as provided for in this subsection. The  
26 board shall be composed of:

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

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

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

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

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

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

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

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

47 3. The director shall appoint the members of the board, other than the  
 48 general assembly members, no later than January 1, 2007. Once appointed, the  
 49 board shall meet at least quarterly, and shall submit its final report and  
 50 recommendations regarding the feasibility of a health care stabilization fund to  
 51 the governor and the general assembly no later than December 31, 2010. The  
 52 board shall also submit annual interim reports to the general assembly regarding  
 53 the status of its progress.

54 4. The board shall have the authority to convene conferences and hold  
 55 hearings. All conferences and hearings shall be held in accordance with chapter  
 56 610.

57 5. The director of the department of insurance, financial institutions and  
 58 professional registration shall provide and coordinate staff and equipment  
 59 services to the board to facilitate the board's duties.

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

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

63

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

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

19           3. The commission's authority under subsection 1 of this section shall  
20 expire on August 28, 2009.]  
21

2           [442.018. All public advertisements and orders of publication required  
3 by law to be made, including but not limited to amendments to the Missouri  
4 Constitution, legal publications affecting all sales of real estate under a power of  
5 sale contained in any mortgage or deed of trust, and other legal publications  
6 affecting the title to real estate, shall be published in a newspaper of general  
7 circulation, qualified under the provisions of section 493.050, and persons  
8 responsible for orders of publication described in sections 443.310 and 443.320  
9 shall be subject to the prohibitions in sections 493.130 and 493.140.]

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

18           2. Each county shall use all funds received pursuant to this section only  
19 to pay for the costs associated with the construction, maintenance and operation  
20 of the county judicial facility and the circuit juvenile detention center including,  
21 but not limited to, utilities, maintenance and building security. The county shall  
maintain records identifying such operating costs, and any moneys not needed for

22 the operating costs of the county judicial facility shall be transmitted quarterly to  
23 the general revenue fund of the county.

24 3. This section shall expire and be of no force and effect on and after  
25 January 1, 2010.]  
26

2 [620.602. 1. There is established a permanent joint committee of the  
3 general assembly to be known as the "Joint Committee on Economic  
4 Development Policy and Planning" to be composed of five members of the  
5 senate, appointed by the president pro tem of the senate, and five members of the  
6 house, appointed by the speaker of the house. No more than three members of  
7 the senate and three members of the house shall be from the same political party.  
8 The appointment of members shall continue during their terms of office as  
9 members of the general assembly or until successors have been duly appointed  
10 to fill their places when their terms of office as members of the general assembly  
11 have expired. Members of the joint committee shall receive no compensation in  
12 addition to their salary as members of the general assembly, but may receive their  
13 necessary expenses for attending the meetings of the committee, to be paid out  
14 of the committee's appropriations or the joint contingent fund.

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

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

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

2 [630.461. 1. There is hereby created in the department of mental health  
3 a committee to be known as the "Review Committee for Purchasing" to review  
4 the manner in which the department of mental health purchases services for  
5 persons with mental health disorders and substance abuse problems. By  
December 31, 1995, the committee shall recommend to the governor and the

6 general assembly any changes that should be made in the department of mental  
7 health purchasing systems, including whether the department should follow a  
8 competitive purchasing model and, if so, the time frame for initiating such  
9 change. The recommendation of the committee shall be made in the context of  
10 state and national health care reform and with the goal of providing effective  
11 services in a coordinated and affordable manner.

12 2. The review committee on purchasing created in subsection 1 of this  
13 section shall be composed of nine members as follows:

14 (1) One member of the mental health commission, appointed by the  
15 governor;

16 (2) One representative of the office of administration, appointed by the  
17 governor;

18 (3) The governor or his designee;

19 (4) Two members appointed at large by the governor, with one member  
20 representing the business community and one public member;

21 (5) Two members, appointed at large by the governor, with one member  
22 being a private provider and one member being affiliated with a hospital;

23 (6) Two members, appointed at large by the governor, who are  
24 consumers of mental health services or family members of consumers of mental  
25 health services.

26 3. The review committee established in subsection 1 of this section shall  
27 be disbanded on January 1, 1996.

28 4. Notwithstanding any other provision of law to the contrary, beginning  
29 July 1, 1997, if the review committee failed to make the recommendations to the  
30 governor and the general assembly as required in subsection 1 of this section, the  
31 department of mental health may contract directly with vendors operated or  
32 funded pursuant to sections 205.975 to 205.990, or operated or funded pursuant  
33 to sections 205.968 to 205.973, without competitive bids. All contracts with  
34 vendors who are providers of a consortium of treatment services to the clients of  
35 the division of comprehensive psychiatric services shall be awarded in  
36 accordance with chapter 34.]  
37

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

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

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

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

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

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

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

26 5. Fees shall be determined annually and prorated monthly by the director  
27 of the department of mental health or his or her designee and shall be made  
28 payable to the director of the department of revenue.

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

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

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

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

51 10. Upon receipt of notification from the director of the department of  
52 mental health of a provider's delinquency in paying fees required under this  
53 section, the director of the department of social services shall withhold, and shall

54 remit to the director of the department of revenue, the fee amount estimated by  
55 the director of the department of mental health from any payment to be made by  
56 the state to the provider.

57 11. In the event a provider objects to the estimate described in subsection  
58 10 of this section, or any other decision of the department of mental health related  
59 to this section, the provider of services may request a hearing. If a hearing is  
60 requested, the director of the department of mental health shall provide the  
61 provider of services an opportunity to be heard and to present evidence bearing  
62 on the amount due for an assessment or other issue related to this section within  
63 thirty days after collection of an amount due or receipt of a request for a hearing,  
64 whichever is later. The director of the department of mental health shall issue a  
65 final decision within forty-five days of the completion of the hearing. After  
66 reconsideration of the fee determination and a final decision by the director of the  
67 department of mental health, a residential habilitation, individualized supported  
68 living, and day habilitation services to developmentally disabled individuals  
69 provider's appeal of the director of the department of mental health's final  
70 decision shall be to the administrative hearing commission in accordance with  
71 section 208.156 and section 621.055.

72 12. Notwithstanding any other provision of law to the contrary, appeals  
73 regarding this assessment shall be to the circuit court of Cole County or the  
74 circuit court in the county in which the provider is located. The circuit court shall  
75 hear the matter as the court of original jurisdiction.

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

80 14. The director of the department of mental health shall promulgate  
81 rules and regulations to implement this section. Any rule or portion of a rule, as  
82 that term is defined in section 536.010, that is created under the authority  
83 delegated in this section shall become effective only if it complies with and is  
84 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
85 This section and chapter 536 are nonseverable and if any of the powers vested  
86 with the general assembly pursuant to chapter 536 to review, to delay the  
87 effective date, or to disapprove and annul a rule are subsequently held  
88 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
89 adopted after August 28, 2009, shall be invalid and void.

90 15. The provisions of this section shall expire on September 30, 2011.]  
91

2 [640.850. The governor shall convene a committee of representatives of  
3 the departments of health and senior services, natural resources, economic  
4 development, agriculture, and conservation. The committee shall evaluate  
5 opportunities for consolidating services with the goal of improving efficiency and  
reducing cost while optimizing the benefits to the citizens of Missouri. As part

6 of its evaluation, the committee shall specifically consider the transfer of the  
7 division of energy from the department of natural resources to the department of  
8 economic development and the consolidation of water quality laboratory testing  
9 under the department of health and senior services for purposes of meeting water  
10 testing requirements of the federal Safe Drinking Water Act and the Federal  
11 Water Pollution Control Act. The committee shall provide recommendations to  
12 the governor and general assembly no later than December 31, 2011.]  
13

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

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

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

- 32 (1) The director of the department of public safety, or his or her designee;  
33 (2) Two members shall be appointed by the director of the department of  
34 public safety from a list of six nominees submitted by the Missouri Police Chiefs  
35 Association;

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

39 (4) Two members of the state highway patrol shall be appointed by the  
40 director of the department of public safety from a list of six nominees submitted  
41 by the Missouri State Troopers Association;

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

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

46 The panel members who are appointed under subdivisions (2), (3), and (4) of this  
47 subsection shall serve a four-year term ending four years from the date of  
48 expiration of the term for which his or her predecessor was appointed. However,  
49 a person appointed to fill a vacancy prior to the expiration of such a term shall be  
50 appointed for the remainder of the term. Such members shall hold office for the  
51 term of his or her appointment and until a successor is appointed. The members  
52 of the panel shall receive no additional compensation but shall be eligible for  
53 reimbursement for mileage directly related to the performance of panel duties.

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

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

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

64 7. Multijurisdictional internet cyber crime law enforcement task forces  
65 and other law enforcement agencies participating in the grant program established  
66 in subsection 2 of this section shall share information and cooperate with the  
67 highway patrol and with existing internet crimes against children task force  
68 programs.

69 8. The panel may make recommendations to the general assembly  
70 regarding the need for additional resources or appropriations.

71 9. The power of arrest of any peace officer who is duly authorized as a  
72 member of a multijurisdictional internet cyber crime law enforcement task force  
73 shall only be exercised during the time such peace officer is an active member of  
74 such task force and only within the scope of the investigation on which the task  
75 force is working. Notwithstanding other provisions of law to the contrary, such  
76 task force officer shall have the power of arrest, as limited in this subsection,  
77 anywhere in the state and shall provide prior notification to the chief of police of  
78 a municipality or the sheriff of the county in which the arrest is to take place. If

79 exigent circumstances exist, such arrest may be made and notification shall be  
80 made to the chief of police or sheriff as appropriate and as soon as practical. The  
81 chief of police or sheriff may elect to work with the multijurisdictional internet  
82 cyber crime law enforcement task force at his or her option when such task force  
83 is operating within the jurisdiction of such chief of police or sheriff.

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

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

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

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

94

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

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

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

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

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

19

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

7 2. Each in-home services provider's tax shall be based on a formula set  
8 forth in rules promulgated by the department of social services. Any rule or  
9 portion of a rule, as that term is defined in section 536.010, that is created under

9 the authority delegated in this section shall become effective only if it complies  
10 with and is subject to all of the provisions of chapter 536 and, if applicable,  
11 section 536.028. This section and chapter 536 are nonseverable and if any of the  
12 powers vested with the general assembly pursuant to chapter 536 to review, to  
13 delay the effective date or to disapprove and annul a rule are subsequently held  
14 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
15 adopted after August 28, 2009, shall be invalid and void.

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

19 4. Notwithstanding any other provision of law to the contrary, appeals  
20 regarding the promulgation of rules under this section shall be made to the circuit  
21 court of Cole County. The circuit court of Cole County shall hear the matter as  
22 the court of original jurisdiction.]  
23

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

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

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

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

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

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

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

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

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

13

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

9

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

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

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

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

11

2           [660.460. 1. The department of social services shall notify each in-home  
3 services provider with a tax due of more than ninety days of the amount of such  
4 balance. If any in-home services provider fails to pay its in-home services tax  
5 within thirty days of such notice, the in-home services tax shall be delinquent.

6           2. If any tax imposed under sections 660.425 to 660.465 is unpaid and  
delinquent, the department of social services may proceed to enforce the state's

7 lien against the property of the in-home services provider and compel the  
 8 payment of such assessment in the circuit court having jurisdiction in the county  
 9 where the in-home services provider is located. In addition, the department of  
 10 social services may cancel or refuse to issue, extend, or reinstate a Medicaid  
 11 provider agreement to any in-home services provider that fails to pay the tax  
 12 imposed by section 660.425.

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

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

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

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

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

12 (2) September 1, 2012.

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

15 2. Sections 660.425 to 660.465 shall expire on September 1, 2012.]  
 16

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

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

4 (1) An assessment of energy requirements and energy usage of consumer  
 5 electronic products;

6 (2) Recommendations to consumers regarding appropriate use of  
 7 consumer electronic products; and

8                   (3) Recommendations to consumers regarding the availability of energy  
9                   efficient consumer electronic products in Missouri.  
10                   2. The report shall be posted on the department's website and made  
11                   available to the public upon request.]

✓